

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



September 23, 1999

ALL-COUNTY INFORMATION NOTICE NO. I-70-99

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY WELFARE-TO-WORK
COORDINATORS

REASON FOR THIS TRANSMITTAL

- | | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | State Law Change |
| <input type="checkbox"/> | Federal Law or Regulation Change |
| <input type="checkbox"/> | Court Order or Settlement Agreement |
| <input type="checkbox"/> | Clarification Requested by One or More Counties |
| <input type="checkbox"/> | Initiated by CDSS |

SUBJECT: CALIFORNIA WORK OPPORTUNITY
AND RESPONSIBILITY TO KIDS (CalWORKs) WELFARE-TO-WORK
(WTW) PROGRAM REGULATIONS
PACKAGE (ORD #0398-07)

REFERENCE: ASSEMBLY BILL (AB) 1542, CHAPTER 270, STATUTES OF 1997
AB 2772, CHAPTER 902, STATUTES OF 1998
ALL COUNTY LETTER NO. 98-41

The purpose of this letter is to transmit the CalWORKs WTW Program regulations package (ORD #0398-07) that was submitted to, and approved by, the Office of Administrative Law (OAL). The effective date of this regulations package is September 13, 1999.

BACKGROUND

The initial emergency CalWORKs WTW Program regulations, which became effective July 1, 1998, implemented the employment and training component of CalWORKs, pursuant to Assembly Bill (AB) 1542 (Chapter 270, Statutes of 1997) and AB 2772 (Chapter 902, Statutes of 1998). The attached CalWORKs WTW Program regulations are a result of revisions made to the initial emergency regulations because of the following:

- Testimony that was received during the initial 45-day comment period, which ended with public hearings that were held from September 14 through September 23, 1998;
- Additional public testimony that was received during the two 15-day renote comment periods that took place from April 2 through April 19, 1999 and May 29 through June 14, 1999; and
- Technical changes required after departmental reviews.

SIGNIFICANT CHANGES TO THE CalWORKs WTW REGULATIONS

Listed below are significant modifications that were made to the initial emergency CalWORKs WTW Program regulations:

- Section 42-711.412 was amended to permit exempt volunteers to participate for less than the minimum hours of participation required of mandatory participants;
- Section 42-711.422 was amended to clarify that, for adult(s) in a two-parent assistance unit, to be eligible for federally-funded CalWORKs child care, both parents shall participate to meet the family's monthly minimum participation requirement of an average of at least 55 hours per week in welfare-to-work activities;
 - Counties are reminded that they must provide child care for all CalWORKs recipients working or participating in welfare-to-work activities, regardless of the number of hours, pursuant to regulations in Division 47 (please refer to ACL 99-63);
- Section 42-711.522 was amended to specify that information to be provided to recipients of their rights and responsibilities, time limits, and other program requirements is required to be in writing;
- Section 42-711.524 was added to require that a written notification be provided to participants whose Self-Initiated Program (SIP) is denied;
- Sections 42-711.541 and 42-711.547 were amended, and Section 42-711.549 was added to clarify the date by which recipients must be enrolled in a SIP in order to be allowed to continue in an educational degree or certificate program;
- Section 42-711.543(b)(1)(A) was added to require that recipients receive written information of the process by which they can demonstrate that an unapproved SIP leads to self-supporting employment;
- Section 42-711.552 was amended to allow employed individuals who work sufficient hours to meet the minimum work participation requirements to: 1) choose not to receive an assessment and only receive necessary supportive services while continuing to participate in unsubsidized employment; or 2) choose to go to assessment, sign a welfare-to-work plan, if they wish to participate in other welfare-to-work activities and receive necessary supportive services. These individuals shall be informed of the consequences for selecting either of the two options;

- CalWORKs recipients who are in unsubsidized employment for sufficient hours to meet the minimum work participation requirements and choose not to go to assessment, pursuant to Section 42-711.552, shall be treated as CalWORKs unsubsidized employment participants in the CalWORKs WTW Program for reporting and sanctioning purposes;
- Sections 42-711.556 was amended and 42-711.556(a)(1) was added to specify, respectively, that the requirement for a third party assessment applies to a disagreement with the results of the assessment and that a state hearing will not be granted until an independent third-party assessment has been performed;
- Section 42-711.58 was amended to specify that an evaluation of an individual with a suspected learning or medical problem is required to be performed by a qualified professional;
- Section 42-711.811 was added to require that participants be informed of county standards regarding regular attendance and satisfactory progress;
- Section 42-711.91 was amended to clarify that participation in community service for less than the number of hours necessary to satisfy the CalWORKs work participation requirement would be allowed, only if the Department determines that, in accordance with federal law, fewer hours are required;
- Section 42-711.931 was added to specify that, if the Department has determined that federal law precludes certain participants from participating in community service for the number of hours necessary to satisfy their CalWORKs work participation requirement, those individuals shall participate in other welfare-to-work activities for the additional number of hours necessary to satisfy their work requirement;
- Section 42-750.113 was added to clarify that tuition is not an ancillary expense.

ATTACHMENTS

Attachment I lists the names and telephone numbers of the appropriate contact persons for specific areas of the regulations.

Attachment II includes regulations for the CalWORKs WTW Program, including Supportive Services; CalWORKs County Plan Requirements; CalWORKs Refugee Assistance (RCA) Program; and the Supplemental Refugee Services (SRS) Component.

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If you have any questions regarding this letter or need additional information, please contact the staff listed in Attachment I or Julieta Leon, Program Analyst, Employment Bureau at (916) 654-1785.

Sincerely,

***Original Document Signed By
Maria Hernandez on 9/23/99***

CHARR LEE METSKER, Chief
Employment and Eligibility Branch

Attachments

LIST OF CONTACTS

Employment Programs Bureau

Subject Area	Section No.	Contact Person	Phone Number
Enrollment Requirements	42-702	Nora J. Ybarbo	(916) 654-1394
18- and 24-Month Time Limits	42-710	Walter Johnson	(916) 657-5039
WTW Participation Requirements Program Information Hours of Participation Assignment to WTW Activities Appraisal Job Search Self Initiated Programs Assessment Welfare-to-Work Plan Reappraisal Satisfactory Participation Community Service After Time Limits	42-711.1 to 42-711.55 42-711.57 to 42-711.9	Ray Christensen	(916) 654-1426
Exemptions from WTW Participation	42-712	Julieta Leon	(916) 654-1785
Good Cause for Not Participating (except Domestic Violence)	42-713		
Federal Work Participation Requirements	42-714	Nora J. Ybarbo	(916) 654-1394
Welfare to Work Activities	42-716	Robert Nevins	(916) 654-1408
Other Providers of Activities and Services	42-718	Randy Shiroy	(916) 654-1527
School Attendance	42-719	Rosemary Akhidenor	(916) 654-2116
Non-Displacement	42-720	Randy Shiroy	(916) 654-1527
Noncompliance with Program Requirements Forms and NOAs (except Supportive Services and Child Care)	42-721	Eric Norris	(916) 654-0946

LIST OF CONTACTS

Work Support Services Program

Subject Area	Section No.	Contact Person	Phone Number
Mental Health Services	42-711.56	Stan Cagle	(916) 654-6480
Substance Abuse Services	42-711.57		
Domestic Abuse Services	42-713.22	Barbara Triplett	(916) 653-5216
Job Retention Services	42-717	David Nelson	(916) 654-6091
Supportive Services, including NOAs (Other than Child Care)	42-750		
Overpayments and Underpayments for Transportation and Ancillary Supportive Services	42-751		

Refugee Programs Branch

WTW Requirements for Refugee Cash Assistance	42-800	Linda Keene	(916) 654-2602
Supplemental Refugee Services Component	42-1000		
County Plans for CalWORKs	42-780	Regional Advisors Assistants	(916) 654-0617

Amend Sections 42-701.2(a)(1), (c)(3), (d)(2), (j)(1), and (w)(2) and Handbook Section 42-701.1(d) to read:

Chapter 42-700 WELFARE-TO-WORK

42-701 INTRODUCTION TO WELFARE-TO-WORK

42-701

HANDBOOK BEGINS HERE

.1 Background

AB 1542, Chapter 270, Statutes of 1997, established the California Work Opportunity and Responsibility to Kids (CalWORKs) Act of 1997. The Welfare-to-Work Program is the employment and training aspect of CalWORKs that replaces the previous Greater Avenues for Independence (GAIN) program. Welfare-to-Work is a comprehensive statewide employment program designed to enable participants to achieve self-sufficiency through employment.

The intent of the Welfare-to-Work Program is to provide employment and training services to virtually all adult recipients. Some of the major changes brought about by Welfare-to-Work include:

- (a) Broader service scope. By reducing the number of adults eligible for exemption, a much larger segment of the adult assistance population is required to participate in work activities.
- (b) Minimum hourly participation requirements. All participants will be required to be engaged in employment and training activities for enough hours each week to allow for substantial progress toward employment while meeting the federal participation requirements.
- (c) Limited time on aid without working. Unless exempt, recipients will be required to work or participate in community service after 18 to 24 months on aid.
- (d) Expanded supportive services. In addition to child care, transportation, and ancillary services provided under GAIN, welfare-to-work supportive services will include, but not be limited to, mental health, substance abuse, and domestic abuse ~~violence~~ services.

HANDBOOK ENDS HERE

.2 Definitions for Terms Used in This Chapter

- (a) (1) "Adult Basic Education" means a welfare-to-work activity ~~with~~ which includes instruction in reading, writing, arithmetic, high school proficiency, or general educational development certificate instruction, and English-as-a-second-language.
- (b) Reserved
- (c) (1) (Continued)
(2) (Continued)
(3) "Community Service" means a welfare-to-work training activity that is temporary and transitional, is performed in the public or private nonprofit sector under the close supervision of the activity provider, and provides participants with ~~basic~~ job skills that can lead to employment while meeting a community need.
(4) "County Welfare Department (CWD)" means the agency that administers the CalWORKs program at the county level.
(5) (Continued)
- (d) (1) (Continued)
(2) "Doctor" means a health care professional who is licensed by ~~the~~ a state to diagnose/treat physical and mental impairments that can affect an individual's ability to work or participate in welfare-to-work activities. "Doctor" includes, but is not limited to, doctors of medicine, osteopathy, chiropractic, and licensed/certified psychologists. (Continued)
- (e) (1) "Employment" means work that is compensated at least at the applicable state or federal minimum wage. If neither wage rate applies, the work must be compensated in an amount equivalent to the lesser of the two.
(2) "Exempt" means that a CalWORKs applicant or recipient is not required to participate in Welfare-to-Work activities as a condition of eligibility for aid.
- (f) (1) (Continued)
- (g) (1) "GAIN" means Greater Avenues for Independence.
(2) "Grant-Based On-The-Job Training (OJT)" means a welfare-to-work activity that is performed in the public or private sector in which the recipient's cash grant, or a portion thereof, or the aid grant savings resulting from

employment, is diverted to the employer as a wage subsidy to partially or wholly offset the payment of wages to the participant. Grant-based OJT may include community service positions.

- (h) Reserved
- (i) (1) (Continued)
- (j) (1) "Job Creation Plan" means a county plan for local job creation. The Trade and Commerce Agency provides ~~the~~ funding for job creation activities that will provide employment for recipients.
 - (2) "Job Readiness Assistance" means a welfare-to-work activity that provides the recipient with training to learn basic job seeking and interviewing skills, to understand employer expectations, and to learn skills designed to enhance an individual's capacity to move toward self-sufficiency.
 - (3) "Job Search" means a welfare-to-work activity in which the participant's principal activity is to seek employment.
- (k) Reserved
- (l) (1) (Continued)
- (m) Reserved
- (n) Reserved
- (o) Reserved
- (p) (1) (Continued)
- (q) Reserved
- (r) (1) "Refugee Cash Assistance (RCA) Welfare-to-Work Participant" means a refugee applicant or recipient who meets the requirements of MPP Section 69-206.12 and who is participating in the Welfare-to-Work Program as directed by the county plan.
- (s) (1) "Supplemental Refugee Services (SRS) Welfare-to-Work Component" means a supplemental services component, within the CalWORKs Welfare-to-Work Program, for CalWORKs refugees who would otherwise be temporarily excepted from the full range of Welfare-to-Work services due to Welfare-to-Work funding limitations.
 - (2) "Subsidized Employment" means employment in which the welfare-to-work participant's employer is partially or wholly reimbursed for wages and/or

training costs.

- (3) "Supported Work or Transitional Employment" means a welfare-to-work activity that is a form of grant-based OJT in which the participant's cash grant, or a portion thereof, or the aid grant savings from employment, is diverted to an intermediary service provider to partially or wholly offset the payment of wages to the participant.
- (t) Reserved
- (u) Reserved
- (v) (1) "Volunteer" means a CalWORKs applicant or recipient who, though not required to participate in the Welfare-to-Work Program, chooses to participate.
- (w) (1) "Work Experience" means a welfare-to-work training activity in the public or private sector under the close supervision of the activity provider, that helps provide basic job skills, enhance existing job skills in a position related to the participant's experience, or provide a needed community service that ~~will~~ shall lead to unsubsidized employment.
- (2) "Welfare-to-Work Plan" means a plan developed by the CWD and the participant that specifies the program activities in which a participant shall engage and the services that ~~shall~~ will be provided to the participant.
- (x) Reserved
- (y) Reserved
- (z) Reserved

Authority Cited: Sections 10531, 10553, and 10554, Welfare and Institutions Code.

Reference: Section 8172, Education Code; Sections 10063, 10800, 11320, 11320.3(b)(3)(A), 11322.6, 11322.9, 11324.6, 11324.8, 11325.21, 11331.5, 11495, 11495.1, 11495.12, and 13280, Welfare and Institutions Code; and Sections 15365.50 and 15365.55, Government Code.

Amend Section 42-702.2 to read:

42-702 CalWORKs WELFARE-TO-WORK ENROLLMENT
 REQUIREMENTS

42-702

- .1 An individual who was receiving aid in the month prior to the implementation date of CalWORKs Welfare-to-Work Program in the county shall be enrolled in the Welfare-to-Work Program no later than January 1, 1999.
- .11 The CWD may require an existing GAIN participant to enter into a new welfare-to-work plan prior to completion of the activities in the GAIN contract in which the individual is satisfactorily participating. New requirements (including, but not limited to, hours and/or activities) and services may be added to those in the contract, but no assignment(s) may be withdrawn prior to completion without the participant's written consent.
- .2 An individual whose beginning date of aid is in the month that the CalWORKs Welfare-to-Work Program is implemented in the county, or thereafter, shall be enrolled by the CWD at the time when their application for aid is granted. ~~If the~~ An individual who volunteers to participate before their application is granted, ~~they~~ shall be enrolled at the time ~~they~~ he or she volunteers.
- .3 Enrollment is defined as sending an individual a notice that he or she is scheduled for a welfare-to-work appraisal or that he or she is required to convert their GAIN contract to a welfare-to-work plan, as appropriate.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10532(c) and 11322.8, Welfare and Institutions Code.

Amend Sections 42-710.122, .2, .62, and .65 to read:

42-710 18- AND 24-MONTH TIME LIMITS

42-710

- .1 Except as otherwise provided in these regulations, a parent or caretaker relative, whose beginning date of aid is in the month that the CalWORKs Welfare-to-Work Program is implemented in the county, or thereafter, is not eligible to receive aid for a cumulative period of more than 18 months, unless: 1) it is certified by the CWD that there is no job currently available for the recipient as specified in Section 42-710.5; and 2) the recipient works in unsubsidized employment and/or participates in community service activities for the required minimum hours in accordance with Section 42-711.4.
 - .11 The time-limit period starts on the date the recipient signs, or refuses to sign without good cause, a welfare-to-work plan described in Section 42-711.6 et seq.
 - .12 The CWD shall adopt criteria for extending the 18-month time limit for up to six months.
 - .121 The criteria adopted by the CWD shall be used to determine if:
 - (a) an extension is likely to result in unsubsidized employment; or
 - (b) employment is not available due to local unemployment rates or economic conditions.
 - .122 In determining whether an extension should be granted because it is likely to result in unsubsidized employment or because employment is not available, the CWD also may consider criteria related to the employability of the individual and other relevant factors.
- .2 Except as otherwise provided in these regulations, a parent or caretaker relative, who was receiving aid in the month prior to implementation of the Welfare-to-Work Program in the county, is not eligible to receive aid for a cumulative period of more than 24 months, unless:
 - 1) it is certified by the CWD that there is no job currently available for the recipient as specified in Section 42-710.5; and 2) the recipient works in unsubsidized employment and/or participates in community service activities for the required minimum hours in accordance with Section 42-711.4.
 - .21 The time-limit period starts on the date the recipient signs, or refuses to sign without good cause, a welfare-to-work plan described in Section 42-711.6 et seq.
- .3 A parent or caretaker relative recipient who has reached the 18- or 24-month time limit, who is working in unsubsidized employment for less than the required minimum hours, and for whom no job is currently available for the required number of hours, shall remain eligible for aid by participating in community service activities for the additional number of hours

necessary to meet the participation requirements in accordance with Section 42-711.4.

- .31 If an individual has received aid for a cumulative period of more than 18 or 24 months, as specified in Section 42-710.1 or .2, as applicable, and returns to aid after a break in aid of at least one month, the CWD shall determine whether to require the individual to participate in community service in accordance with Section 42-711.9 or in welfare-to-work activities described in Section 42-716.
- .4 No month in which aid has been received prior to January 1, 1998 shall be taken into consideration in computing the required 18- or 24-month time limits.
- .5 For purposes of these time limits, "no job is currently available" means that the recipient has taken and continues to take all the steps to apply for appropriate positions and has not refused an offer of employment without good cause.
- .6 A month of receipt of aid shall not count toward the 18- or 24-month time limit period when it is a month in which the individual is:
 - .61 Not required to participate in welfare-to-work activities because he/she is exempt from participation, in accordance with Section 42-712 et seq., and the condition is expected to last for at least 30 days,
 - .62 ~~Eligible for,~~ Required to participate in, participating in, or exempt from the Cal-Learn Program, in accordance with Section 42-712.11.
 - .63 Sanctioned and removed from the assistance unit in accordance with Section 42-721.4, or,
 - .64 Participating in an approved SIP and participation is interrupted for good cause. (See Section 42-711.546.)
 - .65 ~~Excused from participation in welfare-to-work activities for good cause as a victim of domestic abuse, as specified in Section 42-713.31.~~ Identified as a past or present victim of domestic abuse and the county has waived the time limit as described in Section 42-713.221.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10532(c)(2), 11320.1(c) and (d), 11320.3(a) and (b), 11325.23(c), 11327.5(c), 11454, ~~and~~ 11454.5(a), and 11495.1, Welfare and Institutions Code.

Amend Sections 42-711.11 et seq., .21, .311(a), .41 et seq., .421, .422, .51, .52 et seq., .53 et seq., .541 et seq., .543(b) et seq., .544, .547 et seq., .549, .551, .551(a), .552, .553, .556 et seq., .557, .57 et seq., .581(a), .61, .631, .637(a), .712 et seq., .81, .91, and .93 and Handbook Section 42-711.638(b) to read:

.1 Program Information for Applicants

.11 At the time an individual applies for aid or at the time a recipient's eligibility for aid is determined, the CWD shall do the following:

.111 Determine whether the individual is required to participate in welfare-to-work activities.

.112 ~~p~~Provide the individual, in writing and orally as necessary, with information including:

~~.111~~ (a) A general description of education, employment, training opportunities, and the supportive services available, including transitional benefits.

~~.112~~ (b) A description of the exemptions from required welfare-to-work participation provided in Section 42-712 and the consequences of a failure or refusal to participate in program components if not exempt, pursuant to Section 42-721.3.

.12 At the time an individual is required to participate in welfare-to-work activities, he or she shall receive a written preliminary determination, if applicable, that he or she is a member of a targeted group for purposes of any federal or state employer tax credit that may be operative.

.2 Cal-Learn Exclusion

.21 The provisions of Section 42-711 shall not apply to individuals who are ~~subject to~~ required to participate in, participating in, or exempt from, the Cal-Learn Program, as described in Sections 42-762 through 42-769.

.3 Non-Cal-Learn 19-Year-Old Custodial Parents

.31 A 19-year-old custodial parent who has no high school diploma or equivalent and is not participating in Cal-Learn is required to participate in welfare-to-work activities only to earn a high school diploma or its equivalent.

.311 The CWD may determine that participation in education activities for the purpose of earning a high school diploma or equivalent is inappropriate for a 19-year-old custodial parent:

(a) On the basis of an evaluation, pursuant to Section 42-711.58, which

indicates that, because of a learning disability or medical problem, the individual is unable to successfully complete or benefit from these educational activities; or

- (b) If at appraisal, the parent is already in an educational or vocational program that is approvable as a SIP in accordance with Section 42-711.541.

.32 A 19-year-old custodial parent who has a high school diploma or equivalent is required to participate in welfare-to-work activities and is subject to all program requirements.

.4 Hours of Participation

.41 Adult in One-Parent Assistance Unit

.411 Unless exempt from participation, an adult recipient in a one-parent assistance unit shall participate each ~~week~~ month in welfare-to-work activities for a minimum average per week of ~~at least~~:

- (a) ~~20 hours each week beginning January 1, 1998.~~
- (b) ~~26 hours each week beginning July 1, 1998.~~
- (c) ~~32 hours each week beginning July 1, 1999, and thereafter.~~

.412 ~~The CWD has the option to require all recipients, or individual recipients, in one-parent assistance units to participate in welfare-to-work activities up to 32 hours each week.~~

.413 In no event shall the adult recipient participate in welfare-to-work activities less than the hours of participation required under ~~current and future~~ federal law for the entire time period on aid, unless the individual is an exempt volunteer. (See Section 42-714.2.)

.42 Adult(s) in Two-Parent Assistance Unit

.421 Unless exempt from participation, an adult recipient in a two-parent assistance unit whose basis for aid is unemployment shall participate ~~in each month for an average of~~ at least 35 hours per week ~~of in~~ welfare-to-work activities ~~each week~~ that will meet the hours of participation required under ~~current and future~~ federal law.

- (a) However, both parents in a two-parent assistance unit may contribute toward the 35-hour requirement, if at least one parent meets the federal work requirement of a minimum average of 20 hours per

week.

.422 ~~If the family receives~~ To be eligible for federally-funded CalWORKs child care ~~(see Section 47-220.3), both parents shall participate to meet the family's~~ monthly minimum participation requirement of an average of at least 55 hours per week in welfare-to-work activities.

- (a) The 55-hour requirement does not apply to the family if an adult in the family is disabled, caring for a severely disabled child, or if nonfederal funds are used for child care.

.5 Assignment of Recipients to Welfare-to-Work Activities

.51 After aid has been granted, recipients who are not exempt in accordance with Section 42-712, shall participate in welfare-to-work activities in the following sequence.

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.511 Division 21, which includes provisions regarding nondiscrimination and the communication needs of limited English-proficient clients, applies to welfare-to-work activities and services.

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.52 Appraisal

.521 Recipients are required to participate in the appraisal specified in Section 42-711.522. At the option of the CWD, applicants may voluntarily participate.

.522 Prior to or ~~During~~ the appraisal, the CWD shall inform the individual in writing of the following: ~~requirement to participate in available welfare-to-work activities and of available supportive services.~~

- (a) The requirement to participate in available welfare-to-work activities and a general description of the time limits in Section 42-710.

~~42-711.631~~

- (~~a~~b) A general description of the welfare-to-work ~~activities~~ program, including available activity components and supportive services.

- (~~b~~c) A general description of the rights, duties, and responsibilities of the participants, including the following:

- (1) a A list of the exemptions from the required participation, pursuant to Section 42-712;

- (2) ~~†~~The consequences of a failure or refusal to take part in the program activity(ies), pursuant to Section 42-721, and the criteria for successful completion of the program;
- (3) A description of good cause criteria for noncooperation, pursuant to Sections 42-713 and 42-721.3;
- (4) The right to request a state hearing or file a formal grievance, pursuant to Section 42-721.5;
- (5) The right to a third-party assessment, pursuant to Section 42-711.556.

(~~ed~~) A statement that the participant has ~~a~~ the following grace periods:

- (1) Three (3) working days after the completion of the welfare-to-work plan or subsequent amendments to the plan to evaluate, and request changes to, the terms of the plan, pursuant to Section 42-711.636.
- (2) ~~of~~ Thirty (30) days from the beginning of the initial training or education assignment activity in which to request a change or reassignment to another activity, pursuant to Section 42-711.637.

(~~de~~) School attendance requirements for children in the assistance unit.

(~~a~~)

.523 During the appraisal, the individual shall provide information about their employment history and skills, the need for supportive services, and any other relevant information the CWD requires in order to assign welfare-to-work activities appropriately.

.524 If the CWD denies an individual's request to continue in a SIP, pursuant to Sections 42-711.541 and/or .542, the CWD shall notify the participant in writing that the SIP was denied, the reason(s) for the denial, and the right to appeal the denial.

.53 Job Search

.531 Recipients are required to participate in job search activities. At the option of the CWD, applicants may voluntarily participate. Exceptions to the requirement that all recipients must participate in job search activities are as follows:

(a) ~~The CWD determines that p~~Participation in job search would has been

determined not to be beneficial pursuant to Section 42-711.551(b)533.

- (b) Participation in job search shall not be required ~~is optional pursuant to Section 42-711.535.~~

~~.535~~ ~~An individual is not required, but is permitted, to participate in job search in accordance with Section 42-711.53, if:~~

- ~~(a) If the job search schedule will interfere with unsubsidized employment or participation in an approved SIP as specified in Section 42-711.54; or,~~

- ~~(b) The individual is required to participate in, is participating in, or is exempt from Cal-Learn or is 19 years old and has not yet earned a high school diploma or equivalent certificate.~~

- ~~(1) These individuals are required to participate in the job search activities. Upon reaching age 20 or earning a high school diploma or its equivalent, the above individuals shall not be required, but may be permitted, to participate in if they have not already taken the option to complete job search activities as their first program assignments following an appraisal.~~

~~.532~~ Upon completion of the appraisal specified in Section 42-711.52, all participants, except those specified in Sections 42-711.5351 and .533, shall be assigned to participate for a period of up to four consecutive weeks in job search activities.

- (a) Job search activities may include use of job clubs to identify the participant's qualifications.

- (b) The CWD shall consider the skills and interests of participants in developing a job search strategy.
- .533 The period of job search activities may be shortened under the following circumstances: if the participant and the CWD agree that further activities would not be beneficial.
 - (a) The participant and the CWD agree that further job search activities would not be beneficial; or,
 - (b) ~~At the option of the CWD, the period of job search activities may be shortened for a recipient if t~~The CWD determines that the recipient will not benefit because he or she may suffer from an emotional or mental disability that will limit or preclude the recipient's participation in welfare-to-work activities.
- .534 Job search activities may be required in excess of four weeks if the CWD determines that the recipient's performance during job search indicates ~~unsubsidized employment would result from that~~ extending the job search period is likely to result in unsubsidized employment.
- .535 (Renumbered to Section 42-711.531.)
- .536~~5~~ Individuals shall continue to seek employment throughout their participation in welfare-to-work activities.
- .54 Self-Initiated Programs (SIPs)
 - .541 Except as provided by Section 42-711.542, any recipient who, ~~at the time he or she is initially~~ required to participate in welfare-to-work activities in accordance with Section 42-712.1, ~~is enrolled in any~~ may continue in an undergraduate degree or certificate program that leads to employment may continue in that program for the 18- or 24-month time periods specified in Section 42-710, as applicable, if:
 - (a) He or she is enrolled, as defined in Section 42-711.549, as of the earlier of:
 - (1) The date he or she is appraised, or
 - (2) The date he or she would have been appraised if he or she had not failed, without good cause, to appear for the appraisal appointment;
 - (a**b**) He or she is making satisfactory progress in that program;
 - (b**c**) The CWD determines that continuing in the program is likely to lead

to self-supporting employment for that recipient; and

(ed) The welfare-to-work plan reflects that determination.

.542 Any individual who possesses a baccalaureate degree will not be eligible to participate in a SIP unless the individual is pursuing a California regular classroom teaching credential in a college or university with an approved teacher credential preparation program.

.543 A program will be determined to lead to employment if it is on a list of programs that the CWD and local education agencies or providers agree lead to employment.

(a) The list must be agreed to annually, with the first list completed no later than January 31, 1998.

(1) By January 1, 2000, all educational providers must report data regarding programs on the list for the purposes of the report card established under Section 15037.1 of the Unemployment Insurance Code for the programs to remain on the list.

(b) For recipients ~~not in a~~ whose program is not on the list, the CWD shall determine if the program leads to employment.

(1) The recipient shall be allowed to continue in the program within the 18- or 24-month time period specified in Section 42-710 if the recipient demonstrates to the CWD that the program will lead to self-supporting employment for that recipient and the documentation is included in the welfare-to-work plan.

(A) The CWD shall inform the recipient in writing of the process by which the recipient may demonstrate that a program not on the list of approved SIPs will lead to self-supporting employment.

(c) Any recipient in any degree, certificate, or vocational program offered by a private postsecondary training provider will not be approved in a self-initiated training or education program unless the program is either approved or exempted by the appropriate state regulatory agency and the program is in compliance with all other provisions of the law.

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(1) Degree, certificate, or vocational programs offered by private

postsecondary schools are either: approved or exempted by the Department of Consumer Affairs, Bureau for Private Postsecondary and Vocational Education or accredited by the Western Association of Schools and Colleges.

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- .544 If participation in a SIP, as determined by the number of hours required for classroom, laboratory, or internship activities, is not at least 32 hours, the CWD shall require concurrent participation in work activities, pursuant to Sections 42-716(a) through (j) inclusive and in accordance with Section 42-711.5, to reach the 32-hour requirement.
- .545 Participation in the self-initiated education or vocational training program must be reflected in the required welfare-to-work plan.
- (a) The welfare-to-work plan shall provide that whenever an individual ceases to participate in, refuses to attend regularly, or does not maintain satisfactory progress in the SIP, the individual shall participate in the welfare-to-work activities in accordance with Section 42-711.5.
- .546 Any person whose previously approved SIP is interrupted for reasons that meet the good cause criteria in Section 42-713.2 may resume participation in the same program if the participant maintained good standing in the program while participating and the SIP continues to meet the approval criteria.
- (a) The CWD shall adjust the completion date of the program, accounting for the time of absence to allow the participant a cumulative time frame of 18 or 24 months as specified in Section 42-710.
- .547 Any recipient may continue until the beginning of the next educational semester or quarter break, his or her educational program that does not meet the criteria of Section 42-711.541, if ~~the recipient~~:
- (a) He or she is enrolled, as defined in Section 42-711.549, as of the earlier of:
- (1) The date he or she is appraised, or
- (2) The date he or she would have been appraised if he or she had not failed, without good cause, to appear for the appraisal appointment;
- (ab) ~~at the time of the welfare-to-work appraisal, was enrolled in and~~ He or she is making satisfactory progress in, the educational program;

~~(b) prior to the date that the CWD implemented its Welfare-to-Work Program, was enrolled in and making satisfactory progress in the program; and~~

(c) He or she continues to make satisfactory progress in the program.

.548 At the time the educational break occurs as provided in Section 42-711.547, the individual is required to participate in welfare-to-work activities pursuant to Section 42-711.51.

(a) The time spent in the educational program will count toward the time limits specified in Section 42-710.

~~.549~~ (b) A recipient, described under Section 42-711.547, who is not expected to complete the program by the next break, may continue his or her education under the time frames in Section 42-710, provided:

(~~a~~1) He or she transfers at the end of the current quarter or semester to a program that qualifies under Section 42-711.541;

(~~b~~2) The CWD determines that participation is likely to lead to self-supporting employment of the recipient; and

(~~c~~3) The welfare-to-work plan reflects that determination.

~~.549~~ For purposes of Sections 42-711.541 and .547, enrolled means that an individual has applied for and been accepted into the degree or certificate program, and continues to meet or fulfill all conditions, imposed by the institution offering the program, to maintain current enrollment status.

.55 Assessment

.551 Participants, except those excluded as provided in Sections 42-711.31, 42-711.557, and 42-719.111, shall be referred to assessment, if:

- (a) ~~They do not obtain~~ Unsubsidized employment is not found during the job search period with sufficient hours to meet the minimum hours of participation required under Section 42-711.4;
- (b) The CWD determines that participation in job search will not be required as the first activity because it would not be beneficial, or;
- (c) The CWD decides to shorten job search because it is not likely to lead to employment.

.552 ~~Notwithstanding the fact that an individual is employed for the minimum number of hours pursuant to Section 42-711.4, the CWD shall require that the individual participate in assessment.~~ Participants who are employed in unsubsidized employment with sufficient hours to meet the minimum hours of participation required under Section 42-711.4, shall be referred to assessment if they wish to participate in additional welfare-to-work activities listed in Section 42-716. If they do not wish to participate in additional welfare-to-work activities, they may opt out of an assessment and only receive necessary supportive services.

- (a) These individuals shall be informed that if they choose to go to assessment, they will be required to sign a welfare-to-work plan and their 18- or 24-month time period will begin.
- (b) They shall also be informed that if they do not go to assessment, they will only receive necessary supportive services from the CWD.

.553 Upon referral to assessment, a participant shall work with the CWD to develop and agree on a welfare-to-work plan, on the basis of the assessment of the individual's skills and needs. The plan shall specify the activities to which the participant will be assigned and the supportive services to be provided.

- (a) ~~If it is determined, on the basis of the assessment, that the is more likely to become economically self-sufficient by participating in welfare to work activities other than the employment in which the individual is already engaged, the welfare to work plan shall assign the individual to these other activities up to the total number of hours required under Section 42-711.4.~~
- (b) ~~Notwithstanding the provisions of Section 42-711.553(a), assignment to a work experience or community service activity is limited to those hours necessary to fulfill the individual's minimum hours of participation required by Section 42-711.4, after taking into account the individual's hours of subsidized and unsubsidized employment.~~

.554 The assessment shall include at least all of the following:

- (a) The participant's work history and an inventory of his or her employment skills, knowledge, and abilities.
- (b) The participant's educational history and present educational competency level.
- (c) The participant's needs including the need for supportive services in order to obtain the greatest benefit from the employment and training services offered under CalWORKs.
- (d) An evaluation of the chances for employment given the current skills of the participant and the local labor market conditions.
- (e) Local labor market information.
- (f) Physical limitations or mental conditions that limit the participant's ability for employment or participation in welfare-to-work activities.
- (g) Identification of available resources to complete the welfare-to-work plan.

.555 The CWD may contract with outside parties, including local educational agencies and service delivery areas, to provide the assessment.

.556 ~~If the participant and assessor are unable to reach agreement on the welfare-to-work plan~~ disagrees with the results of the assessment, the matter shall be referred by the CWD for an independent assessment by an impartial third party.

- (a) The results of this assessment, which shall be binding upon the county and the participant, shall be used to develop the appropriate plan for the participant.
 - (1) No state hearing shall be granted regarding an assessment used to develop a welfare-to-work plan until an independent third-party assessment has been performed.

(b) No third party assessment shall be made by a party having any financial or other interest in the result of the assessment. The party making the assessment must be selected by the county according to an unbiased procedure.

~~(1) No state hearing shall be granted regarding the development of an employment plan until an independent third party assessment has been performed.~~

.557 An assessment, described in Section 42-711.55, shall not be required to develop a welfare-to-work plan for participants in approved SIPs unless the CWD determines that an assessment is necessary to assign the participant to concurrent activities to meet the minimum 32-participation-hours per week, as specified in Section 42-711.544 ~~in accordance with Section 42-711.51 or 42-711.52.~~

.56 Mental Health Assessment

If there is a concern that a mental disability exists that will impair the ability of a recipient to obtain employment, he or she shall be referred to the county mental health department.

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.561 Subject to appropriations in the Budget Act, the county mental health department shall evaluate the recipient and determine any treatment needs.

.562 The evaluation shall include:

(a) The extent to which the individual is capable of employment at the present time and under what working and treatment conditions the individual is capable of employment.

(b) Prior diagnoses, assessments, or evaluations that the recipient provides.

.563 Each CWD shall develop individual welfare-to-work plans for participants with mental or emotional disorders based on the evaluation conducted by the county mental health department.

(a) The recipient's welfare-to-work plan shall include appropriate employment accommodations or restrictions, supportive services, and treatment requirements. (See Section 42-716.5, mental health treatment services.)

(b) Any prior diagnosis, evaluation, or assessment provided by the

recipient shall be considered in the development of his or her welfare-to-work plan.

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.57 Substance Abuse Assessment

If there is a concern that a substance abuse problem exists that will impair the ability of a recipient to obtain or retain employment, he or she shall be referred to the county alcohol and drug program for an evaluation and determination of any treatment necessary for the participant's transition from welfare to work. If the CWD determines that the county alcohol and drug program is unable to provide the needed services, the county department may contract directly with a nonprofit state-licensed narcotic treatment program, residential facility, or certified nonresidential substance abuse program to obtain substance abuse services for a participant.

.571 If a participant is determined to have a substance abuse problem, based on an evaluation by the county alcohol and drug program or a state-licensed or certified nonprofit agency, the case manager shall develop the participant's welfare-to-work plan based on the results of that evaluation. In such a case, the participant's welfare-to-work plan may include appropriate treatment requirements, including assignment to a substance abuse program.

.58 Evaluation

A participant with a suspected learning or medical problem, as determined by information received during appraisal or assessment or by lack of satisfactory progress in an assigned activity component, shall be referred to an evaluation. This evaluation shall be performed by a professional whose training qualifies them to determine whether the participant is unable to successfully complete or benefit from a current or proposed activity assignment. As part of the evaluation, the CWD may require the participant to undergo the appropriate examinations to obtain information regarding the participant's learning and physical abilities.

.581 Based upon the results of the evaluation, the CWD may refer the participant, as appropriate, to any of the following:

- (a) Any of the welfare-to-work activities described in ~~the welfare-to-work plan~~ Section 42-716.111 including referrals to the participant's previous activities.
- (b) Existing special programs that meet specific needs of the participant.
- (c) Job search services if the CWD determines the participant has the skills needed to find a job in the local labor market.

(d) Assessment or reappraisal in accordance with Sections 42-711.55 and .7, respectively.

(e) Rehabilitation assessment and subsequent training.

.582 The participant shall be involved in the decisions made during the evaluation and will have the same right to appeal through the state hearing process, specified in Section 42-721.5, as other program participants.

.6 Welfare-to-Work Plan

.61 After assessment, any recipient of aid who is required or who volunteers to participate in welfare-to-work activities shall enter into a written welfare-to-work plan with the CWD as soon as administratively feasible.

.611 The plan shall include the activities and services that will move the participant into employment and toward self-sufficiency.

.612 A copy of the complete, signed plan shall be provided to the participant.

.62 A participant shall take part in one or more welfare-to-work activities, as defined in Section 42-716, for the required minimum hours provided in the welfare-to-work plan until he or she has reached the 18- or 24-month time limit.

.63 The plan shall be written in clear and understandable language and have a simple, easy-to-read format.

~~.631 The plan shall contain at least all of the following general information:~~ contain at least, but is not limited to, the information provided to the individual pursuant to Sections 42-711.522(b), (c), (c)(1) and (2), and (d)(2).

(Sections 42-711.631(a) through (d) renumbered to Section 42-711.522 et seq.)

.632 The plan shall specify, and shall be amended to reflect changes in, the participant's welfare-to-work activities, a description of needed supportive services to be provided, and specific requirements for successful completion of assigned activities including required hours of participation.

- (a) The plan shall also address school attendance of all children in the assistance unit for whom school attendance is compulsory, as specified in Section 40-105.5, and identify any participation required of the parent by the school to ensure the child's attendance. Such hours by the parent shall count toward the required hours of participation as defined in Section 42-711.4.
- .633 Participation in activities assigned under the welfare-to-work plan may be sequential or concurrent. The CWD may require concurrent participation in the assigned activities if it is appropriate to the participant's abilities, consistent with the participant's welfare-to-work plan, and the activities can be concurrently scheduled.
- .634 If the CWD determines it to be appropriate and necessary for the removal of the participant's barriers to employment, an individual who lacks basic literacy or mathematics skills, a high school diploma or general educational development certificate, or English language skills, shall be assigned to participate in adult basic education as specified in Section 42-716.111(k).
- .635 The participant shall maintain satisfactory progress in the activities to which the participant is assigned, and the CWD shall provide the necessary supportive services as set forth in the plan.
- .636 The CWD shall allow the participant three (3) working days after the completion of the welfare-to-work plan or subsequent amendments to the plan in which to evaluate, and request changes to, the terms of the plan.
- .637 The participant has 30 days from the beginning of the initial welfare-to-work activity in which to request a change or reassignment to another activity or component of the activity.
 - (a) The CWD shall grant the participant's request for reassignment if another assignment is available and consistent with the individual's welfare-to-work plan and the CWD determines the other activity will readily lead to employment.
 - (b) This grace period will be available only once to each participant.
- .638 If an activity to be provided under the welfare-to-work plan is not immediately available to the participant, he or she shall be assigned to job search and/or job readiness activities until the education or training activity designated in the plan is available.
 - (a) Job search activities are subject to the limits described in Section 42-711.53.

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- (b) The number of weeks during which ~~An individual's participation in job search and job readiness activities will count toward meeting the federal work participation rates for only a few weeks per year is~~ limited by federal law. See Section 42-714.3(f).

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.7 Reappraisal

- .71 The CWD shall conduct a reappraisal of any participant who does not obtain unsubsidized employment upon completion of all activities in his or her welfare-to-work plan, unless the participant has reached the 18- or 24-month time limit. The reappraisal shall evaluate whether there are extenuating circumstances, as defined by the CWD, that prevent the participant from obtaining employment within the local labor market area.
 - .711 If the CWD determines that extenuating circumstances exist, the participant shall be assigned to additional activities consistent with the reappraisal.
 - .712 If extenuating circumstances do not exist, and until the CWD reverses this determination or the participant reaches the 18- or 24-month time limit, the participant is required to participate for the required minimum hours in activities that are limited to the following:
 - (a) Unsubsidized employment.
 - (b) Work experience as defined in Section 42-701.2(w)(1).
 - (c) Self-employment.
 - (~~e~~d) Job skills training directly related to employment.
 - (~~d~~e) Mental health, substance abuse, and/or domestic ~~violence~~ abuse services in accordance with Sections 42-716.5, 42-716.6, and 42-716.111(q), respectively.

.8 Satisfactory Participation

- .81 The criteria for satisfactory participation in an assigned education or training activity include regular attendance and satisfactory progress. A participant who fails or refuses to comply with program requirements for participation in the activities assigned pursuant to Section 42-711, and whose failure to make satisfactory progress is not due to a learning or medical problem, shall be subject to compliance and sanction requirements in accordance with Sections 42-721.2 and .4, respectively.

.811 The CWD or the service provider shall inform the participant of the standards for meeting the regular attendance and satisfactory progress requirements for the program to which they are assigned.

.9 Community Service After Time Limits

.91 The participant shall remain eligible for aid only if he or she works in unsubsidized employment and/or participates in community service activities ~~for to meet~~ the required minimum hours in accordance with Section 42-716.4, ~~if~~ unless the Department determines that fewer hours of community service participation are required by federal law.

.911 The participant has reached the 18-month time limit (and exhausted any extension granted) or the 24-month time limit, as applicable;

.912 The participant has not found unsubsidized employment sufficient to meet the required minimum hours of participation; and

.913 The CWD has certified that no job is currently available for the participant, in accordance with Section 42-710.5.

.92 For participants who have reached the 18- or 24-month time limits, the CWD shall provide community service activities and provide supportive services as described in Section 42-716.4. The changes to the activities and supportive services shall be reflected in an amended welfare-to-work plan.

.921 A participant may take part in community service activities until he or she has received aid for a total of 60 months.

.93 Participants in community service activities shall participate in the community service activities for the number of hours required by Section 42-711.4, less the number of hours spent in unsubsidized employment.

.931 If the Department has determined that federal law precludes certain participants from participating in community service for the number of hours necessary to satisfy the participation requirement specified in Section 42-711.4, those individuals shall participate in other welfare-to-work activities for the additional number of hours necessary to satisfy the participation requirement.

.94 Any participant in community service activity who fails to comply without good cause shall be sanctioned in accordance with Section 42-721.4.

.95 See Section 42-710.31 for circumstances under which the CWD may require the individual to participate in welfare-to-work activities rather than community services.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11253.5(b), 11320.1, 11320.15, 11320.3 ~~(d), and (e)~~, ~~11320.15~~, 11322.6, 11322.8, 11322.9, 11324.8(a) and (b), 11325.2, 11325.21, 11325.22~~(a), (b), and (f)~~, 11325.23(a), (b), (c), (e), and (f), 11325.25, 11325.4, 11325.5, 11325.6, 11325.7, 11325.8, 11326, 11327.4, and 11454(a), Welfare and Institutions Code; and 42 U.S.C. 607(c)(1)(A), (c)(1)(B)(ii), and (c)(2)(A)(i).

Amend Sections 42-712.1, .2, .3, .421, .461(a), .471 et seq., .481(a), .49, and .7, and Handbook Section 42-712.512 to read:

42-712 EXEMPTIONS FROM WELFARE-TO-WORK PARTICIPATION 42-712

- .1 Every individual is required to participate in welfare-to-work activities as a condition of eligibility for cash aid under CalWORKs, unless exempt in accordance with Sections 42-712.41 through .49, or excused from participation as specified in Section 42-712.11 or .12:
 - .11 An individual who is required to participate in, is participating in, or is exempt from, the Cal-Learn Program described in Sections 42-762 through 42-769. These individuals are subject to Cal-Learn Program requirements in lieu of the welfare-to-work requirements, while the Cal-Learn Program is operative.
 - .12 A second parent in a two-parent assistance unit, whose basis for aid is unemployment, who is not required to participate in welfare-to-work activities because the first parent is meeting the required participation hours described in Section 42-711.42.
- ~~.32 The only exemptions for not participating in welfare-to-work activities described in Section 42-712 that applies to teens who are subject to specified in Sections 42-712.41 through 42-712.48 shall not apply to individuals who are required to participate in, are participating in, or are exempt from, the Cal-Learn Program, as described in Sections 42-762 through 42-769; is the exemption based on disability, in Section 42-712.44. Other exemptions specific to the Cal-Learn Program are found at Section 42-763.2.~~
- .23 Recipients are required to provide the documentation that is necessary to substantiate any claim to an exemption.
 - .231 CWDs shall advise recipients about the range of documents that is acceptable to verify exemptions.
- .4 Individuals who meet any of the criteria specified in Sections 42-712.41 through 42-712.489 are exempt from participating in welfare-to-work activities as a condition of eligibility for cash aid under CalWORKs for so long as the condition(s) described in such sections exist.
 - .41 Exemption Based on Age Under 16
 - .411 A child under 16 years of age is exempt from participating in welfare-to-work activities.

.42 Exemption Based on School Attendance

.421 An individual 16, 17, or 18 years of age is exempt from welfare-to-work participation when he/she is attending full-time, a school in grade twelve or below, or vocational or technical school. An individual who is 16 or 17 years old or a custodial parent who is under 20 years old described in Section 42-711.3 and whose required welfare-to-work activity is to attend school shall not requalify for ~~this~~ the exemption in this section by attending school as a required welfare-to-work activity, in accordance with Section 42-719.

(a) A full-time program shall be as defined by the school.

.43 Exemption Based on Age 60 or Older

.431 An individual who is 60 years of age or older is exempt from participating in welfare-to-work activities.

.44 Exemption Based on Disability

.441 An individual who has a disability is exempt from welfare-to-work participation when the following conditions exist:

- (a) The disability is expected to last at least 30 calendar days; and
- (b) The disability significantly impairs the individual's ability to be regularly employed or participate in welfare-to-work activities.

.442 To qualify for this exemption, the individual shall do all of the following:

- (a) Provide verification from a doctor as defined in Section 42-701.2(d)(2) that includes the disability, the expected duration of the disability, and the extent to which the disability impairs employment and/or participation in the welfare-to-work activities; and
- (b) Actively seek appropriate medical treatment, as verified by a doctor as defined in Section 42-701.2(d)(2).

.443 The exemption may be reviewed at the time the condition is expected to end, or sooner if there is reason to believe that there has been a change in the condition.

- .45 Exemption Based on an Aided Nonparent Relative Caring for a Child Who Is a Dependent or Ward of the Court or a Child at Risk of Placement in Foster Care
- .451 An aided nonparent caretaker relative who has primary responsibility for providing care for a child is exempt from welfare-to-work participation when he or she is caring for a child who:
- (a) Is a dependent or ward of the court, or
 - (b) The county has determined is at risk of placement in foster care.
- .452 For an aided nonparent caretaker relative to qualify for this exemption, the CWD shall determine that his or her caretaking responsibilities:
- (a) Are beyond those considered normal day-to-day parenting responsibilities, and
 - (b) Impair the caretaker relative's ability to be regularly employed or to participate in welfare-to-work activities.
- .46 Exemption Based on the Care of an Ill or Incapacitated Member of the Household
- .461 An individual is exempt from participating in welfare-to-work activities when his/her presence in the home is required because of the illness or incapacity of another member of the household.
- (a) For an individual to qualify for this exemption, the CWD shall determine that the caretaking responsibilities impair the ability of the ~~parent or caretaker~~ individual to be regularly employed or to participate in welfare-to-work activities.
- .47 Exemption Based on the Care of a Child
- .471 The parent or other relative who has primary responsibility for personally providing care to a child six months of age or under is exempt from welfare-to-work participation.
- (a) An individual shall be eligible for the exemption in Section 42-712.47 only one time under the CalWORKs ~~p~~Program.
 - (b) On a case-by-case basis, the CWD may reduce the period of exemption to the first 12 weeks, or increase it to the first 12 months, after the birth or adoption of the child.

(1) The CWD shall establish criteria by which the period of exemption in Section 42-712.471 is reduced or extended.

(A) In making the determination to extend the period of exemption after the birth or adoption of a child, the CWD may consider the availability of child care, local labor market conditions, and other factors the CWD determines are applicable.

~~(e) Upon graduation from high school or an equivalent program, for purposes of welfare-to-work participation, the exemption in Section 42-712.47 shall not apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative.~~

(c) The exemption in Section 42-712.47 shall not apply to a 19-year old custodial parent described in Section 42-711.31.

.472 An individual who has previously received the exemption in Section 42-712.471 shall be exempt for a period of 12 weeks upon the birth or adoption of any subsequent children.

(a) The CWD may extend the period for an exemption in Section 42-712.472 to six months on a case-by-case basis.

(1) The CWD shall establish criteria by which the period specified in Section 42-712.472 is extended.

(A) In making the determination to extend the period of exemption after the birth or adoption of a child, the CWD may consider the availability of child care, local labor market conditions, and other factors the CWD determines are applicable.

.473 In a family eligible for aid due to the unemployment of the principal wage earner, the exemption in Section 42-712.47 shall apply to only one parent.

.48 Exemption Based on Pregnancy

.481 A woman who is pregnant is exempt from welfare-to-work participation if the pregnancy impairs her ability to be regularly employed or participate in welfare-to-work activities.

- (a) The exemption based on pregnancy is supported by medical verification that ~~the woman is pregnant and~~ the pregnancy impairs the woman's ability to be regularly employed or participate in welfare-to-work activities.

.482 An exemption based on a medically-verified pregnancy may also be granted when the CWD determines that participation will not readily lead to employment or that a training activity is not appropriate.

.49 An individual is exempt if he/she is a full-time volunteer in the Volunteers in Service to America (VISTA) Program, as provided by Title I of the Federal Domestic Volunteer Act of 1973.

.491 This exemption is supported by either of the following:

- (a) a copy of a Domestic Volunteer Earnings Statement or
- (b) a written verification from the VISTA sponsor or the Federal Region IX ACTION/VISTA Office.

.5 Any individual who is not required to participate may volunteer to participate in welfare-to-work activities and may end that participation at any time without loss of eligibility for aid, provided his or her status has not changed in a way that requires participation.

.51 An individual who is exempt but who volunteers to participate is not subject to the 18- or 24-month time limits described in Section 42-710, provided his or her status has not changed in a way that requires participation.

.52 An individual who is not required to participate for reasons other than the exemptions described in Sections 42-712.41 through .48, but who volunteers to participate, is subject to the 18- or 24-month time limits described in Section 42-710.

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.521 For example, in a two-parent ~~family~~ assistance unit, whose basis for aid is unemployment, the second parent is not required to participate when the first parent is meeting the required participation hours. However, if the second parent chooses to participate, he/she is subject to the 18- or 24-month time limits.

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.6 The impact of exemptions on the 18- or 24-month time limit is found at Section 42-710.6.

.7 Any month in which an individual is exempt from participation in welfare-to-work activities based on the following exemption criteria shall not be taken into consideration as a month of

receipt of aid in computing the 60-month time limit described in Section 42-302. Other exclusions from the 60-month time limit are listed in Section 42-302.

- .71 Being age 60 or older as described in Section 42-712.43;
- .72 Having a disability as described in Section 42-712.44; or
- .73 Having caretaking responsibilities that impair a recipient's ability to be regularly employed, as described in Sections 42-712.45 and .46.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10063(b), 11253.5, 11320, 11320.3(a), ~~(b)~~, ~~(c)~~, and ~~(d)~~, 11331.5(a), (b), (c), and (d), 11454, and 11454.5(a), Welfare and Institutions Code; and 42 U.S.C. 5044(f)(2).

Amend Sections 42-713.22 et seq., .23, .25 and .3 to read:

42-713 GOOD CAUSE FOR NOT PARTICIPATING

42-713

- .1 A recipient shall be excused from participation in welfare-to-work activities for good cause in accordance with Section 42-713.2, when the CWD determines there is a condition or other circumstance that temporarily prevents, or significantly impairs, the individual's ability to be regularly employed or to participate in welfare-to-work activities.
 - .11 The CWD shall review the continuing validity of the good cause determination as necessary, but at least every three months.
 - .12 The individual shall cooperate with the CWD and provide information, including written documentation, as required to complete the review.
- .2 Conditions that may be considered good cause for not participating in welfare-to-work activities include, but are not limited to, any of the following:
 - .21 Lack of necessary supportive services.
 - .22 The applicant or recipient is a victim of domestic ~~violence~~ abuse.
 - .221 Program requirements, including time limits on receipt of assistance described in Sections 42-710 and 42-300, and welfare-to-work requirements described in Section 42-711 may be waived for an individual who is a victim of domestic ~~violence~~ abuse (as defined in Section 42-701.2(d)(3)) on a case-by-case basis, but only for so long as necessary, in accordance with ~~statewide protocols and/or regulations~~ Section 42-715.
 - (a) ~~Until statewide protocols for domestic violence victims become effective January 1, 1999, a CWD can waive program requirements, including time limits and welfare to work requirements, for a recipient who is a victim of domestic violence.~~ The criteria for granting waivers shall include provisions that ensure:
 - (1) Applicants and recipients who are past or present victims of abuse are not placed at further risk or unfairly penalized by CalWORKs requirements and procedures;
 - (2) Program requirements are not created or applied in such a way as to encourage a victim to remain with the abuser; and

- (3) Participation by CalWORKs recipients in welfare-to-work activities is encouraged, to the full extent of their abilities, including participation in counseling and treatment programs, as appropriate, to enable the recipient to obtain unsubsidized employment and move toward self-sufficiency.

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- (b) Waivers of time limits granted pursuant to this section shall not be implemented if federal statutes or regulations clarify that abuse victims are included in the 20 percent hardship exemptions and that no good cause waivers of the 20 percent limit will be granted to the state for victims of abuse, thereby incurring a penalty to the state.
- (c) Waivers of the work requirements granted pursuant to this section shall not be implemented if federal statutes or regulations clarify that the state will be penalized for failing to meet work participation requirements due to granting waivers to abuse victims.

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- ~~(d) Waivers of program requirements, including time limits and work requirements, shall be implemented only after they are identified in a county plan certified by the Department. If a county plan has already been certified by the Department and does not contain any interim domestic violence protocols, a CWD shall submit an addendum to this plan prior to implementation.~~

- .23 Licensed or license-exempt child care is not reasonably available during the individual's hours of training or employment, including commuting time, or arrangements have broken down or have been interrupted for the following children:
- .231 A child 10 years of age or younger, or
- .232 A child 11 years of age or older as described in Section 47-201.22 or .23, or
- .2323 A child who is in foster care or is an SSI recipient and who is not included in the assistance unit.
- .24 Good cause criteria in Section 42-713.23 includes the unavailability of suitable special needs child care for children with identified special needs including, but not limited to, disabilities or chronic illnesses.
- .25 For purposes of Sections 42-713.23 and 42-713.24, reasonable availability ~~reasonably available~~ means at least one appropriate, suitable, and affordable child care arrangement that is commonly available in the participant's community to a person

who is not receiving aid, that is available to parents during the hours that they are required to participate in county-approved activities or employment, and is within a reasonable distance from the participant's home or work site, and is provided by a parent, legal guardian, other suitable member of the assistance unit, or an eligible provider as defined by Section 47-260.

.251 Appropriate and suitable child care is child care that meets the needs of the child and the parent, and meets one of the following requirements:

- (a) Child care that is licensed for the appropriate age group or special needs category.
- (b) License exempt child care that meets Trustline clearance requirements, unless that child care is exempted from Trustline.
- (c) Suitable child care provided by the parent, legal guardian, other member of the assistance unit, or an eligible provider as defined by Section 47-260.
 - (1) Informal child care is unsuitable where the individual(s) providing the care cannot be Trustline registered in accordance with Section 47-600 or who would otherwise be denied payment for child care services that are exempt from licensure, due to a violent felony conviction, in accordance with Section 47-620.2.

.252 Affordable child care is child care where the unreimbursed cost to the family does not exceed the family fees established by the state in accordance with Sections 47-401.7 and .8.

.253 Reasonable distance means the distance customarily traveled by working families in accessing child care services in the community.

.3 An individual shall have good cause for not complying with program requirements if he or she meets the criteria described in Section 42-721.3.

.34 An individual who is excused from welfare-to-work participation for good cause is subject to the 18- or 24-month time limits described in Section 42-710 and the 60-month time limit in Section 42-302.

.341 A CWD may waive the 18- or 24-month and/or 60-month time limits for victims of domestic violence abuse as provided in Section 42-713.221(a).

.342 An individual who has good cause for an interruption in participating in a SIP may have their 18- or 24-month time limits adjusted as provided in Section 42-711.546.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11320.3(b) and (f), 11323.2, 11325.23(c), ~~11326.3(f)~~, 11454.5, 11495, and 11495.1, Welfare and Institutions Code; 42 U.S.C. 607(e)(2); and 45 CFR 261.15.

Amend Handbook Sections 42-714.121(a)(2), .122(a)(2), .232, and .3(f)(2) to read:

42-714 FEDERAL WORK PARTICIPATION REQUIREMENTS

42-714

If California does not meet federal work participation requirements, counties that fail to meet federal work participation requirements shall be required to share any penalty imposed on the state for failure to achieve the outcomes required by federal law.

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Welfare-to-work Activities, Participation Requirements

.1 Rate requirements

- .11 Minimum rate of participation in welfare-to-work activities for families receiving Temporary Assistance for Needy Families (TANF)/CalWORKs for a federal fiscal year - October 1 through September 30:

- .111 For all families, including two-parent families

If the FFY is:	The minimum participation requirement is:
1997	25%
1998	30%
1999	35%
2000	40%
2001	45%
2002 and thereafter	50%

- .112 For two-parent families only

If the FFY is:	The minimum participation requirement is:
1997	75%
1998	75%
1999 and thereafter	90%

- .12 Calculation of participation rates

- .121 For all families, including two-parent families, the participation rate for the federal fiscal year is the average of the participation rates for all families for each month in the federal fiscal year.

- (a) To calculate the monthly participation rate for all families:
 - (1) Divide the number of aided families engaged in work, as specified in Section 42-714.2 (those families must include either an aided adult or minor child head of household, who is engaged in work for the month) by;
 - (2) The total number of aided families (those families must include an aided adult or minor child head of household during the month) minus:
 - (A) The number of sanctioned families subject to sanction for not more than three months in the preceding 12-month period - whether or not the months were consecutive; plus
 - (B) ~~At state option, the~~ The number of families exempted from engaging in work because they include an individual who is a single custodial parent caring for a child who has not attained 12 months of age; plus
 - (C) The number of families that include an individual participating in an Indian tribal work program funded by a federal grant regardless of whether the tribe operates its own TANF program.

.122 For two-parent families only, the participation rate for the federal fiscal year is the average of the participation rates for each month in the federal fiscal year.

A family that includes a disabled parent shall not be considered a two-parent family for purposes of the work participation rate.

- (a) To calculate the monthly participation rate for two-parent families:
 - (1) Divide the number of two-parent families engaged in work for the number of hours specified in Section 42-714.23 by
 - (2) The total number of aided two-parent families, minus:
 - (A) ~~the~~ The number of aided two-parent families that have been subject to sanction for not more than three months in the preceding 12-month period - whether or not the months were consecutive; and
 - (B) The number of families that include an individual

participating in an Indian tribal work program funded by a federal grant, regardless of whether the tribe operates its own TANF program.

.13 Reduction of Participation Rates Due to Caseload Reductions not Required by Federal Law

.131 The minimum participation rate required for a fiscal year shall be reduced by the same number of percentage points that the state's average monthly caseload has declined since 1995.

(a) The reduction shall not reflect any caseload changes that resulted from either federal requirements or state changes in eligibility between the previous and current assistance programs.

.2 Engaged in work

.21 For all families

A recipient is considered to be engaged in work for a month in the federal fiscal year if he/she is participating in work activities for at least the minimum average number of hours per week as specified in the following table. At least 20 hours per week of the minimum average number of hours per week of participation shall be attributable to an activity specified in Handbook Sections 42-714.3(a) through (i).

If the month is in FFY:	The minimum average number of hours per week is:
1997	20
1998	20
1999	25
2000 or thereafter	30

.22 Single parent or relative with child under age six

A single parent or caretaker relative in the family of a child who has not attained six years of age, is deemed to be engaged in work if he/she participates in work activities at least 20 hours per week during the month.

.23 For two-parent families

A family is considered to be engaged in work if the parents are participating as specified in either Section 42-714.231 or .232.

.231 For a total of at least 35 hours per week, with at least 30 hours spent in the activities specified in Handbook Sections 42-714.3(a) through (i).

- .232 If the family receives federally-funded child care assistance (~~see Section 47-220.3~~) and an adult in the family is not disabled or caring for a severely disabled child, then the parents must be participating for a total of at least 55 hours per week with at least 50 hours spent in the activities specified in Handbook Sections 42-714.3(a) through (i).

.3 Work Activities

- (a) Unsubsidized employment;
- (b) Subsidized private sector employment;
- (c) Subsidized public sector employment;
- (d) Work experience, if sufficient private sector employment is not available;
- (e) On-the-job training;
- (f) Job search and job readiness assistance;
 - (1) The amount of job search and job readiness assistance activities by any individual that counts toward meeting federal work participation requirements is limited to four consecutive weeks and six weeks total. (The six-week limit may be extended to 12 weeks if California's unemployment rate is at least 50 percent greater than the unemployment rate of the United States, or California is a "needy state" as defined in federal law.)
 - (2) The state is required to consider participation of an individual in these activities for less than a full week, i.e., for only three or four days during a week, as a full week of participation, but only one time per individual.
- (g) Community service;
- (h) Vocational education training (not to exceed 12 months for any individual);
 - (1) For purposes of determining monthly participation rates, not more than 30 percent of the number of individuals in the all families rate and in the two-parent families rate, respectively, who are counted as engaged in work for the month, may consist of individuals considered to be engaged in work by reason of participation in vocational educational training activities.

- (A) Beginning October 1, 1999, this limit will also include single heads of household or married individuals who are under 20 years of age and either:
 - 1. making satisfactory progress in secondary school or the equivalent, or
 - 2. participating in education directly related to employment for an average of at least 20 hours per week during the month.
- (i) Providing child care services to a participant in community service;
- (j) Job skills training directly related to employment;
- (k) Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency;
- (l) Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate.

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Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Section 10544(b), Welfare and Institutions Code; and 42 U.S.C. 607(a), (b), (c), and (d).

Amend Sections 42-716.111(k), (m), and (q) and .615(a) to read:

42-716 WELFARE-TO-WORK ACTIVITIES

42-716

- .1 Upon the completion of job search activities, or a determination that those activities are not required as an initial activity, the participant shall be assigned to one or more welfare-to-work activities as needed to obtain employment.
- .11 The welfare-to-work plan described at Section 42-711.6 shall include welfare-to-work activities.
 - .111 Welfare-to-work activities may include, but are not limited to, any of the following:
 - (a) Unsubsidized employment.
 - (b) Subsidized private sector employment.
 - (c) Subsidized public sector employment.
 - (d) Work experience, as defined in Section 42-701.2(w)(1).
 - (1) Unpaid work experience shall be limited to 12 months, unless the CWD and the welfare-to-work participant agree to extend this period by an amendment to the welfare-to-work plan. The CWD shall review the work experience as appropriate.
 - (A) At the time of the assignment to the work experience activity, the CWD shall identify the job skill(s) to be developed or enhanced. The CWD shall review the work experience activity as necessary to determine the participant's progress toward reaching the training goal.
 - (B) Revisions to the welfare-to-work plan shall be made as necessary to ensure that the work experience assignment continues to be consistent with the participant's plan and is effective in preparing the participant to obtain employment.
 - (e) On-the-job training (OJT).

- (f) Grant-based OJT, as defined in Section 42-701.2(g)(2).
 - (1) If there is any break in income for a grant-based OJT participant caused by an employer's conduct, the CWD shall ensure that a recipient receives 100 percent of the maximum grant payment, not counting unpaid wages, that the assistance unit is eligible to receive. The payment shall be made as a supplemental grant payment.
 - (2) The agreement between the CWD and the employer regarding grant-based OJT shall state that the CWD will attempt to collect from the employer the amount of the grant diverted to the employer that was not paid as wages to the recipient.
 - (3) The CWD shall monitor the retention of participants as employees by employers participating in grant-based OJT.
 - (A) The CWD shall cancel participation of employers who demonstrate, over a period of time, an unwillingness to hire recipients who participated in grant-based OJT with such employers.
- (g) Supported work or transitional employment as defined in Section 42-701.2(s)(3).
- (h) Work-study.
- (i) Self-employment.
- (j) Community service as defined in Section 42-701.2(c)(3).
- (k) Adult basic education as defined in Section 42-701.2(a)(1).
 - (1) Participants shall be referred to appropriate service providers that include, but are not limited to, educational programs operated by school districts or county offices of education that have contracted with the superintendent of public instruction to provide services to the participant, pursuant to Section 33117.5 of the Education Code.
- (l) Job skills training directly related to employment.

(m) Vocational education and training including, but not limited to, college and community college education, adult education, regional occupational centers, and regional occupational programs.

(1) Any child care provider job training that is funded by either the State Department of Education or the California Department of Social Services shall include information on becoming a licensed child care provider.

(n) Job search and job readiness assistance as defined in Sections 42-701.2(j)(2) and (3).

(o) Education directly related to employment.

(p) Satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, in the case of a recipient who has not completed secondary school or received such a certificate.

(q) Mental health (see Section 42-716.5), substance abuse (see Section 42-716.6), and domestic ~~violence~~ abuse services (see Section 42-713.221) that are necessary to obtain and retain employment. (~~See Sections 42-716.5 and .6.~~)

(r) Other activities necessary to assist an individual in obtaining unsubsidized employment.

(s) Participation required of the parent by the school to ensure the child's attendance, in accordance with Section 42-711.632(a).

.2 Assignment to an educational activity identified under Sections 42-716.111(k), (m), (o), and (p) is limited to those situations in which the education is needed to become employed.

.3 Every CWD shall provide an adequate range of the activities described in Section 42-716.111 to ensure each participant's access to needed activities and services to assist him or her in seeking employment, to provide education and training the participant needs to find self-supporting work, and to arrange for placement in paid or unpaid work settings that will enhance a participant's ability to obtain unsubsidized employment.

.4 Community Service

.41 CWD Requirements for Provision of Community Service Activities

- .411 The CWD may provide for community service activities for individuals who have not completed the 18- or 24-month time-limit period specified in Section 42-710 and are not employed in unsubsidized employment sufficient to meet the minimum hours of participation required by Section 42-711.4.
- .412 The CWD shall provide for community service activities for individuals who have completed the 18- or 24-month time-limit period, under the conditions specified in Section 42-711.91.
- .42 At the time of the assignment to the community service activity, the CWD shall identify the job skill(s) to be developed or enhanced. The CWD shall review the community service activity as necessary to determine the participant's progress toward reaching the training goal.
- .421 Revisions to the welfare-to-work plan shall be made as necessary to ensure that the community service assignment continues to be consistent with the participant's plan and is effective in preparing the participant to obtain employment.
- .43 Community service activities shall comply with the nondisplacement provisions specified in Section 42-720.
- .44 Individuals assigned to a community service activity, before the expiration of the 18- or 24-month time limit, shall participate in community service activities for the number of hours specified in their welfare-to-work plans.
- .45 Individuals required to participate in a community service activity, after the expiration of the 18- or 24-month time limit, shall participate as specified in Section 42-711.9.
- .46 Child care supportive services shall be provided to community service participants as specified in Section 42-750. Other supportive services may be provided by the CWD at the CWD's option.

.5 Mental Health Treatment Services

The CWD shall make mental health treatment services available, when necessary, to enable participants to make the transition from welfare-to-work pursuant to the mental health assessment conducted under Section 42-711.56.

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- .51 Subject to specific expenditure authority, mental health services available shall include all of the following elements:
 - .511 An assessment for the purpose of identifying the level of the individual's mental health needs and the appropriate level of treatment and rehabilitation for the participant.
 - .512 Case management, as appropriate, as determined by the CWD.
 - .513 Treatment and rehabilitation services that shall include counseling, as necessary to overcome mental health barriers to employment and mental health barriers to retaining employment, in coordination with an individual's welfare-to-work plan.
 - .514 In cases where a secondary diagnosis of substance abuse is made in a person referred for mental or emotional disorders, the welfare-to-work plan shall also address the substance abuse treatment needs of the participant. [See Section 42-716.6.]
 - .515 A process by which the CWD can identify those individuals with severe mental disabilities that may qualify them for aid under Chapter 3 (commencing with Section 12000). [The State Supplementary Program for Aged, Blind, and Disabled]

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.6 Substance Abuse Treatment Services

- .61 The CWD shall provide, in conjunction with the county alcohol and drug program or a state-licensed or certified nonprofit agency under contract with the county alcohol and drug program, substance abuse treatment services which shall include evaluation, treatment, employment counseling, provision of community service jobs, or other appropriate services.
 - .611 If, based on the evaluation required in Section 42-711.57, a participant is determined to have a substance abuse problem, the CWD shall offer the individual two opportunities to receive substance abuse treatment. At its option, the CWD may offer the individual additional treatment opportunities.

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- .612 When an individual is determined to have a substance abuse problem, based on an evaluation by the county alcohol and drug program or a state-licensed or certified nonprofit agency, the case manager shall develop the participant's welfare-to-work plan based on the results of that evaluation. In such a case, the individual's welfare-to-work plan may include appropriate treatment requirements, including assignment to a substance abuse program.
- .613 When a participant's welfare-to-work plan includes assignment to a treatment program, the case manager may determine that the participant is out of compliance with the welfare-to-work plan if, at any time in consultation with the substance abuse treatment provider, the county determines that the participant has failed or refused to participate in a treatment program without good cause. The assigned treatment program shall be reasonably accessible within the county of residence or a nearby county.
- .614 When a case manager determines that a participant in a treatment program as specified in his or her welfare-to-work plan is out of compliance with a program requirement other than participation in a required treatment program, the determination of whether the participant has good cause to be out of compliance shall include consideration of whether the participant's substance abuse problem caused or substantially contributed to the failure to comply with the program requirements. In this determination, the county must consult the substance abuse treatment provider as appropriate.
- .615 No recipient may participate in a substance abuse treatment program for longer than six months without concurrently participating in a welfare-to-work activity, to be determined by the county and the recipient, in consultation with the treatment provider.
 - (a) If the recipient is in a state-licensed residential treatment facility or a certified nonresidential substance abuse program or an intensive day treatment program that requires him or her to stay at the program site for a minimum of three hours a day, three days per week, or otherwise not to participate in nonprogram activities, the requirements of the treatment program ~~will~~ shall fulfill the recipient's welfare-to-work activity requirement.
- .62 Each county shall report annually to the state the number of CalWORKs Program recipients who receive substance abuse treatment and the extent to which the allocation is sufficient to meet the need for substance abuse services as determined by the county.

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.7 Job Openings

- .71 The employer or sponsor of an employment or training position specified in Section

42-716.111 shall assist and encourage qualified participants to apply for job openings in the sponsor's organization.

- .72 Participants assigned to public agencies shall be allowed to compete in classified service examinations equivalent to the positions they occupy, and all open and promotional examinations for which experience in the job or other relevant experience qualifies under merit system rules.
- .73 A participant's time worked in a position shall apply toward seniority in a merit public agency position, only to the extent permitted under federal or state law, local ordinance, or collective bargaining agreement.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11253.5(b), 11320.3(b)(2), 11322.6, 11322.61, 11322.7~~(a) and (b)~~, 11322.9(a), (b), (c), (e), and (f), 11324.4, 11325.22(b)(1), 11325.7(a) and (c), (c), and (d), and 11325.8(a), (c), (d), and (f), Welfare and Institutions Code; and Section 8358(c)(2), Education Code.

Amend Section 42-717.23 to read:

42-717 JOB RETENTION SERVICES

42-717

- .1 If provided in a county plan and if a recipient or former recipient is employed, the CWD may continue to provide case management, services, and supportive services to either a recipient of aid under CalWORKs not participating under welfare-to-work or a former recipient of CalWORKs who has received aid within the previous 12 months.
- .2 The CWD may provide these services for up to the first 12 months of employment or from the first day after termination from aid due to employment or increased earnings to the extent that these services are:
 - .21 not provided by the employer, the entity that arranged the job placement, if other than the county;
 - .22 not available from other sources;
 - .23 needed for the individual to retain the employment, or needed to advance to new employment that may provide greater income or better benefits.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11323.2(b) and 11500, Welfare and Institutions Code.

Amend Section 42-718.21 to read:

42-718 OTHER PROVIDERS OF ACTIVITIES AND SERVICES

42-718

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.1 Contracting Services

A public agency shall, in implementing CalWORKs and the CalWORKs Welfare-to-Work Program, perform program functions exclusively through the use of merit civil service employees of the public agency, except to the extent permitted by provisions of state and federal law that were in effect on August 21, 1996. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 did not become effective until August 22, 1996.

.11 Discrimination Prohibition

Employers, sponsors of training activities, and contractors shall not discriminate against participants on the basis of race, sex, national origin, age, or disability.

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.2 Contracts/Agreements for Job Search, Training, and Education Services

.21 Except as specified in Section 42-718.212, any contract/agreement which provides for payment for training and education services shall be competitively selected using applicable state and federal regulations. Payment for services which are part of an individual's welfare-to-work plan may be ~~shall be~~ made based upon fixed-unit-price performance-based criteria.

.211 Under these contracts, full payment shall not be considered earned by the contractor for training and education services as defined in Sections 42-716.111(a) through (r) until either of the following has occurred:

(a) The participant has successfully completed the education program.

(1) A prorata share of the payment shall be paid to the education provider if the participant does not complete the education program.

(b) The participant has successfully completed the training program and has been retained in unsubsidized employment for at least 180 days.

(1) Up to 70 percent of the fixed-unit price for training services may be paid upon placement in unsubsidized employment.

(A) At least 30 percent of the fixed-unit-price for training

services shall be withheld for the follow-up during the 180-day retention period in unsubsidized employment.

1. Progress payments shall be made from the 30 percent withholding portion upon evidence of participant job retention at 30, 90 and 180 days.
 - (2) A prorata share of the 70 percent fixed-unit-price payment in Section 42-718.211(b)(1) shall be paid to the training service provider if the participant does not complete the training either through failure to cooperate, as determined by the CWD, or the participant obtains unsubsidized employment.
 - (A) If the participant in Section 42-718.211(b)(2) obtains unsubsidized employment related to the training, as determined by the CWD, and is retained for at least 180 days, the difference between the pro rata payment in Section 42-718.211(b)(2), and 70 percent of the fixed-unit price for training services shall be paid.
- .212 Training and education services funded by sources other than CalWORKs Welfare-to-Work shall be subject to the criteria and requirements of those sources and not to the requirements of Section 42-718.211.
- .213 The CWD shall be permitted to enter into contracts for educational services without having to adhere to the contracting requirements of Section 42-718.211, when the CWD is unable to obtain educational services due to the absence of an available adult education program or the small number of welfare-to-work referrals. Utilization of this exemption shall require prior review and approval by CDSS.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10619, 11320, 11322.62, ~~11324.6~~, and 11328.8, Welfare and Institutions Code.

Amend Section 42-719.2 to read:

42-719 SCHOOL ATTENDANCE

42-719

- .1 All children in an assistance unit (AU) for whom school is compulsory, but who are not subject to Cal-Learn requirements as described in Sections 42-762 through 42-769, shall be required to regularly attend school, as specified in Section 40-105.5.
- .11 Teens age 16 and 17, who are not regularly attending elementary, secondary, vocational, or technical school on a full-time basis, shall be referred to the CWD to have a welfare-to-work plan developed in accordance with Section 42-711.
- .111 The welfare-to-work plan for teens age 16 and 17, who have not completed high school or its equivalent, shall be for the purpose of completing high school or its equivalent only.
 - (a) These teens may, on a voluntary basis, participate in additional welfare-to-work activities, including job search activities, job readiness activities, and assessment, to the extent that these activities do not interfere with their school attendance.
 - (b) 18- and 24-month time limits under Section 42-710 shall not apply to these teens.
 - (c) The hours of participation under Section 42-711.4 shall not apply to these teens.
- .2 Teens age 16 and 17 who have completed high school or its equivalent are required to participate in welfare-to-work activities and are subject to all Welfare-to-Work Program requirements specified in Section ~~42-716.4~~ 42-711.
- .21 18- and 24-month time limits shall not apply to these teens.
- .3 Failure by teens age 16 and 17 to comply with the mandatory activities in their welfare-to-work plan, developed in accordance with Section 42-719.11, shall result in a reduction in the grant amount to the AU in accordance with Section 40-105.5.

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- .31 Example 1: A 16- or 17-year old teen fails to attend school regularly. His needs are taken out of the family's grant and, at the same time, he loses the exemption from the CalWORKs Welfare-to-Work Program. If he begins attending school regularly before participation in any specific welfare-to-work activity is required, his needs will be reinstated for complying with the school attendance requirement. Once notified of

specific welfare-to-work requirements, the teen must also comply with those requirements. Aid will continue as long as he stays in school and complies with welfare-to-work requirements.

- .32 Example 2: A 16- or 17-year old teen fails to attend school regularly. Her needs are taken out of the family's grant and, at the same time, she loses the exemption from the CalWORKs Welfare-to-Work Program. She begins attending school regularly before participation in any specific welfare-to-work activity is required, and her needs are reinstated for complying with the school attendance requirement. She subsequently fails to comply with a welfare-to-work requirement, and is penalized for that reason. To reinstate her needs, the teen must comply with the Welfare-to-Work Program.
- .33 Example 3: A 16- or 17-year old teen fails to attend school regularly. His needs are not considered in determining the family's grant and, at the same time, he loses the exemption from the CalWORKs Welfare-to-Work Program. He does not resume regular school attendance and also fails to comply with welfare-to-work requirements. His needs will not be reinstated until he complies with both the school attendance and welfare-to-work requirements.

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- .34 Aid shall be restored in accordance with Section 40-105.5(g).

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11253.5, 11320.3(a) and (b)(2), 11322.8(a), 11325.21, 11331.5, and 11454(a), Welfare and Institutions Code; and Section 48200, Education Code.

Amend Sections 42-720.1, .12, .423, .6, and .7, and Handbook Section 42-720.5 to read:

42-720 NONDISPLACEMENT PROTECTION IN WORK ACTIVITIES

42-720

.1 Displacement Provisions

Except as specified in Section 42-720.3, an education, employment, or training program position specified in Sections 42-716.111(a) through (j), or under any county pilot project, may not be created as a result of, or may not result in, any of the following:

- .11 Displacement or partial displacement of current employees including, but not limited to, a reduction in hours of nonovertime and overtime work, wages, or employment benefits.
 - .12 The filling of positions that would be promotional opportunities for current employees, unless such promotions are routinely filled through an open process in which ~~nonemployees~~ (recipients) are provided an opportunity to compete for the job.
 - .13 The filling of a position prior to compliance with applicable personnel procedures or provisions of collective bargaining agreements.
 - .14 The filling of established unfilled public agency positions, unless the positions are unfunded in a public agency budget.
 - .15 The filling of a position created by termination, layoff, or reduction in work force, caused by the employer's intent to fill the position with a subsidized position.
 - .16 A strike, lockout, or other bona fide labor dispute, or violation of any existing collective bargaining agreement between employees and employers.
 - .17 The filling of a work assignment customarily performed by a worker in a job classification covered by a collective bargaining agreement in that specific worksite, or the filling of a work assignment in any bargaining unit in which funded positions are vacant or in which regular employees are on layoff.
 - .18 The termination of a contract for services, before its expiration date, that displaces or partially displaces workers performing contracted services and which is caused by the employer's intent to fill the vacancy with a subsidized welfare-to-work participant.
 - .19 The denial to a participant or employee of protections provided other workers on the worksite under state and federal workplace health, safety, and representation laws.
- .2 Sections 42-720.12, 42-720.14, and 42-720.17 shall not apply to unsubsidized employment placements.
- .3 Notification of labor unions and non-union employees of the use of CalWORKs recipients.

.31 The CWD shall notify or ensure that an employment or training provider notifies:

.311 The appropriate labor union of the use of a CalWORKs recipient assigned to a welfare-to-work employment or training activity described in Section 42-716.111 or any position created under a county pilot project, in any location or work activity controlled by an employer and covered by a collective bargaining agreement between the employer and a union; or

.312 Non-union employees of the use of CalWORKs welfare-to-work participants and the availability of the grievance process described in Section 42-720.4.

(a) Display of a poster shall satisfy this requirement.

(1) The poster required by Section 42-720.312(a) shall not identify any welfare-to-work participant.

.4 Employee Displacement Grievance Process

The following grievance process shall be used to resolve the complaints of regular employees or their representatives who believe assignment of a welfare-to-work participant to community service, work experience, on-the-job training (OJT), or any activity funded by grant-based OJT training violates any of the displacement provisions contained in Section 42-720.1, as applicable. All displacement complaints shall be in written form and shall include the full name, address (if any), and telephone number (if any) of the alleged displaced employee, the full name and address of the employer against whom the complaint is being filed, a clear and concise statement of the facts concerning the alleged displacement, including pertinent dates, and a statement that the complaint has been signed under penalty of perjury.

.41 Informal Resolution

.411 Upon receipt of a written complaint by the employee or employee's representative, the CWD shall contact both the complainant and affected employer and attempt to informally resolve the complaint.

.412 The period for informal resolution shall begin on the date the complaint is received by the CWD and shall not exceed ten calendar days.

- (a) Nothing in this section shall prohibit informal resolution of the complaint at any time during the displacement grievance process.
- .413 Following its efforts to informally resolve the complaint, the CWD shall send a letter informing the complainant of the following:
 - (a) The employer's response to the complaint, including any actions the employer is willing to take toward informal resolution.
 - (b) The right to request a formal hearing as specified in Section 42-720.421 if the complainant is dissatisfied with the employer's informal response.
 - (c) The procedures for filing a formal hearing including the address to which a request for hearing should be sent.
 - (d) The time limit for filing a request for formal hearing as specified in Section 42-720.421(a).
- .414 The CWD shall send the letter required by Section 42-720.413 no later than the twentieth calendar day from the date the complaint was received by the CWD.
 - (a) Copies of the letter shall be sent to the affected employer.
- .42 Formal Hearing
 - .421 If the complaint cannot be informally resolved, the complainant may request a formal hearing.
 - (a) A written request for formal hearing must be filed no later than ten calendar days following the employee's receipt of the letter required by Section 42-720.413.
 - (1) The date postmarked on the hearing request shall be considered the date of its filing.
 - .422 Formal hearings shall be conducted by the California Department of Social Services (CDSS), State Hearings Division.
 - .423 The CDSS, ~~Office of the Chief Administrative Law Judge~~ State Hearings Division shall inform the complainant, the CWD, and affected employer in writing of the date, time and location of the hearing and of the opportunity to present evidence, bring witnesses, cross-examine witnesses, and bring or send an authorized representative.
 - (a) An authorized representative is defined as an individual or

organization that has been authorized by the complainant or affected employer to act on behalf of the complainant or affected employer in any and all aspects of the formal hearing. An authorized representative may include legal counsel, a relative, friend, or other spokesperson.

- (b) Upon the request of any party to the complaint, a hearing may be postponed prior to the hearing or at the hearing, if such request or postponement is for good cause. The Department shall have the authority to request verification to support the request for postponement. Notwithstanding the provisions of this section the time limits contained in Section 42-720.425 shall apply. The criteria for good cause includes, but is not limited to, the following:

- (1) Death in the family.
- (2) Personal illness or injury.
- (3) Sudden and unexpected emergencies which prevent the complainant or the employer or their respective authorized representatives from appearing.
- (4) A conflicting court appearance which can not be postponed.

- (c) A party who wishes to submit a document into evidence must provide a copy of it, free of charge, to the other party.
- (d) The Administrative Law Judge may not discuss the merits of a pending state hearing with one party outside the presence of the other party.

.424 Except as specified in this section, the following provisions of MPP, Division 22 shall apply to formal hearings:

- (a) Except as specified below, Section 22-049 relating to general rules and procedures at the hearing.
 - (1) Notwithstanding the provisions of Section 22-049.1, both the complainant and affected employer may bring or send an authorized representative.
 - (2) To the extent that Section 22-049.11 refers to rehearings, it shall not apply.
 - (3) Sections 22-049.52 and 22-049.532, and any references to Section 22-049.532, shall not apply.

- (4) Sections 22-049.8 and 22-049.9 shall not apply.
 - (5) To the extent the provisions of Section 22-049 apply to formal hearings, all references to "claimant" and "county" shall be deemed to refer to "complainant" and "affected employer," respectively.
- (b) Section 22-050 relating to evidence.
 - (1) Requirements at Section 22-050.21 shall not apply.
- (c) Section 22-053.2 relating to postponements and continuances for additional evidence.
 - (1) Notwithstanding the time parameters identified in Section 22-053.2, the time limit set forth in Section 42-720.425 shall apply.
- (d) Sections 22-061.1, .3, and .4 relating to submission and adoption of proposed decisions.
- (e) Section 22-062 relating to action by the Director.
 - (1) Notwithstanding the time limits for director action specified in Section 22-062.2, requirements for issuance of a hearing decision at Section 42-720.425 shall apply.
- .425 A written hearing decision shall be issued within 90 calendar days of the date the complaint was received by the CDSS State Hearings Division.
- .426 Copies of the written decision shall be sent to all affected parties. The decision shall include:
 - (a) A statement identifying the right to federal appeal of the hearing decision as specified in Section 42-720.5.
- .427 When a hearing decision upholds the displacement complaint, the decision shall:
 - (a) Require termination of the assignment which brought about the complaint and any other assignments which have caused the displacement of regular employees.
 - (b) Identify those actions which shall be taken to remedy the displacement in accordance with Section 42-720.6.

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.5 Federal Appeal

- ~~.51 To the extent federal appeal is available, any dissatisfied party may appeal the formal hearing decision to the United States Department of Labor. Parties to the hearing should be directed to their local CWD for further information regarding the availability of any federal appeals process.~~

~~HANDBOOK ENDS HERE~~

.65 Remedies

- .651 Remedies for displaced employees shall include reinstatement, back pay, and/or back benefits from the affected employer.

.76 Union Grievance

- .761 Any grievance procedure that is part of a collective bargaining agreement between the employer and labor union representing the dissatisfied employee shall be used in lieu of the process described in Section 42-720.42.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11324.5, 11324.6, and 11324.7, Welfare and Institutions Code.

Amend Sections 42-721.232 et seq.; .411; .44; .45; .451; .47; .511(d); .511(d)(1); and .512(b), (c), and (e) to read:

42-721 NONCOMPLIANCE WITH PROGRAM REQUIREMENTS 42-721

- .1 The provisions of Sections 42-721.2, .3, and .4 shall not apply to:
 - .11 Teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769.
 - .12 Any person who is not required, but who volunteers, to participate in the Welfare-to-Work Program and who fails to appear for a scheduled appointment prior to entering into the welfare-to-work plan.
- .2 Compliance Process
 - .21 An individual who is required to participate in program activities as a condition of receipt of aid shall be subject to sanctions specified in Section 42-721.4, whenever:
 - .211 He or she fails or refuses without good cause to comply with program requirements; and
 - .212 He or she subsequently fails or refuses without good cause to:
 - (a) agree to a compliance plan; or
 - (b) comply with a compliance plan agreed to by the CWD and the participant.
 - .22 Failing or refusing to comply with program requirements means failing or refusing to:
 - .221 sign a welfare-to-work plan; participate in any assigned program activity, including a self-initiated program; provide required proof of satisfactory progress in any assigned program activity, including a self-initiated program; or accept employment;
 - .222 continue employment; or
 - .223 continue employment at the same level of earnings.
 - .23 Upon determination that an individual has failed or refused to comply with program requirements, the CWD shall send the individual a notice of action effective no earlier than 30 calendar days from the date of issuance.
 - .231 The notice of action shall inform the individual that a sanction will be imposed if the individual fails to either attend an appointment scheduled by the CWD

within 20 calendar days of the notice or contact the CWD by telephone within 20 calendar days of the notice, and fails to do one of the following:

- (a) Provide information to the CWD that leads to a finding of good cause for refusing or failing to comply with program requirements, or
- (b) Agree to a compliance plan to correct the failure or refusal to comply.

.232 The written notice of action shall contain the following additional information:

- (a) The date, time, and location of the scheduled appointment.
- (b) A description of the specific act or acts that have caused the individual to be out of compliance with participation requirements.
- (c) A statement that the individual has the right to explain why he or she failed or refused to comply with program requirements and to demonstrate that he or she had good cause for his or her refusal or failure to comply.
- (d) ~~Provide a~~ A general definition of good cause and examples of reasons that constitute good cause for not participating in the program.
- (e) ~~Inform The right of the individual of the right to contact the CWD by telephone~~ The right of the individual of the right to contact the CWD by telephone to establish good cause over the telephone instead of attending the scheduled appointment.
 - (1) The notice shall include the telephone number.
- (f) ~~Inform The right of the individual of the right to reschedule the appointment once within a period of 20 calendar days.~~
- (g) ~~Describe~~ A description of the transportation and child care services available to the individual in order to attend the appointment.
- (h) ~~Inform the individual~~ A statement that if good cause is not found, a compliance plan will be developed and the individual will be expected to agree to the plan or face a sanction.
- (i) ~~Inform the individual of~~ The name, telephone number, and address of state and local legal aid and welfare rights organizations that may assist the individual with the good cause and compliance plan process.
- (j) The steps the individual must take to have aid restored at the end of the sanction period.

- .241 The CWD shall schedule a cause determination appointment time within 20 calendar days of the notice of action during which each individual who has failed or refused to comply with program requirements has an opportunity to demonstrate that he or she has good cause for the refusal or failure.
- .242 The individual shall be allowed to reschedule the cause determination appointment once within the 20-calendar-day period.
- .25 If the individual fails to attend the appointment, the CWD shall attempt to contact the individual by telephone at the time of, or after, the appointment to establish a finding of good cause or no good cause. If a finding of no good cause is made, the CWD shall develop a compliance plan to correct the instance of nonparticipation.
- .26 If the CWD is not able to contact the individual as described in Section 42-721.25, and the individual fails to contact the CWD within the 20-calendar-day period, the CWD shall impose a sanction.
- .27 The CWD shall rescind the notice of action if the individual attends the appointment or contacts the CWD by telephone within 20-calendar-day period and the CWD makes either of the following two determinations:
 - .271 The individual had good cause for refusing or failing to comply, or
 - .272 The individual agrees to a compliance plan to correct the noncompliance.
 - (a) If the individual agrees to a compliance plan at the appointment, the individual shall be provided a copy of the plan. If the individual agrees to a compliance plan over the telephone, a copy of the plan shall be mailed to the client.
- .28 An instance of noncompliance shall not be considered to have occurred if either of the following occurs:
 - .281 The CWD determines that the individual had good cause for failing or refusing to comply.
 - .282 The individual did not have good cause for failing or refusing to comply, but agrees to a compliance plan and subsequently fulfills the terms of the compliance plan.
- .29 If the individual does not fulfill the terms of a written compliance plan agreed upon with the CWD and the CWD determines, based on available information, that the individual did not have good cause for failure to meet the terms of the plan, the CWD shall send a notice of action to impose a sanction. If a sanction is imposed under the terms of this paragraph, no further compliance procedures are applicable.

.3 Good Cause for Failure or Refusal to Comply with Program Requirements

.31 No sanctions shall be applied for failure or refusal to comply with program requirements for reasons related to employment, an offer of employment, an activity, or other training for employment including, but not limited to, the following reasons:

.311 The employment, offer of employment, activity, or other training for employment discriminates in terms of age, sex, race, religion, national origin, or physical or mental disability.

.312 The employment or offer of employment exceeds the daily or weekly hours of work customary to the occupation.

.313 The employment, offer of employment, activity, or other training for employment is remote from the individual's home because either:

(a) The round-trip travel time required exceeds a total of two hours, exclusive of the time necessary to transport family members to a school or place providing care, or

(b) Walking is the only available means of transportation and the round-trip is more than two miles, exclusive of the mileage necessary to accompany family members to a school or a place providing care.

An individual who fails or refuses to comply with the program requirements based on the remoteness of the employment, offer of employment, activity, or other training for employment shall be required to participate in community service activities in accordance with Section 42-716.4.

.314 The employment, offer of employment, activity, or other training for employment involves conditions that are in violation of applicable health and safety standards.

- .315 The employment, offer of employment, or work activity does not provide for worker's compensation insurance.
- .316 Accepting the employment or work activity would cause an interruption to an approved education or job training program in progress. For purposes of this section, an education or job training program includes all welfare-to-work activities described in Section 42-716, except work experience or community service assignment.
- (a) The approved education or job training program in progress must lead to employment and sufficient income to be self-supporting.
 - (b) If the hours of participation in the approved education or job training program in progress are less than the hours required as a condition of eligibility for aid, the CWD may require the individual to engage in welfare-to-work activities to the extent necessary to meet the required hours of participation.
- .317 Accepting the employment, offer of employment, or work activity would cause the individual to violate the terms of his or her union membership.
- .32 In determining whether good cause exists for a refusal or failure to comply with program requirements, the CWD shall take into consideration whether the participant has a mental disability that caused or substantially contributed to the refusal or failure to comply with program requirements. This determination shall be made, where appropriate, in consultation with the county mental health department.
- .33 An individual shall have good cause for not participating in welfare-to-work activities if he or she meets the criteria described in Section 42-713.

.4 Sanctions

- .41 Financial sanctions shall be applied when a non-exempt welfare-to-work participant has failed or refused to comply with program requirements without good cause and compliance efforts have failed.
- .411 Any month in which an individual is under sanction and removed from the assistance unit shall not be counted as a month of receipt of aid in determining the 60-month time limit in accordance with Section 42-3052.115.
- .412 Any month in which an individual is under sanction and removed from the assistance unit shall not be counted in determining the 18- and 24-month time limits in accordance with Section 42-710.63.
- .42 The sanctions shall not apply to an individual who is exempt from the welfare-to-work requirements and is voluntarily participating in the Welfare-to-Work Program. If an exempt volunteer engages in conduct that would bring about the sanction procedures

described below but for his or her status as a volunteer, the individual shall not be given priority over other participants actively seeking to participate.

- .43 Financial sanctions for failing or refusing to comply with program requirements without good cause shall result in a reduction in the family's grant by removing the noncomplying family member from the assistance unit for a period of time that increases in the following manner:
 - .431 The first instance of noncompliance without good cause shall result in a financial sanction until the noncomplying participant performs the activity(ies) he or she previously refused to perform.
 - .432 The second instance of noncompliance without good cause shall result in a financial sanction for three months or until the noncomplying participant performs the activity(ies) he or she previously refused to perform, whichever is longer.
 - .433 The third and each subsequent instance of noncompliance without good cause shall result in a financial sanction for six months or until the noncomplying participant performs the activity(ies) he or she previously refused to perform, whichever is longer.
- .44 The discontinuance from aid shall become effective on the first day of the first payment month that the sanctioned individual's needs are removed from aid following the CWD's timely and adequate notification (see Section 22-0272.1), except as specified in Section 42-721.441.
 - .441 If the recipient appeals the sanction through the state hearing process within the period of timely notification, no sanction shall be imposed until the hearing decision is reached.
 - (a) If the CWD's action is sustained, the discontinuance shall be effective at the end of the payment month in which the state hearing decision is received.
 - (1) If the CWD is unable to discontinue aid at the end of such month, aid shall be discontinued at the end of the following payment month.
- .45 In a two-parent ~~family~~ assistance unit whose basis for deprivation is unemployment, the sanctioned parent shall be removed from the assistance unit.
 - .451 If the sanctioned parent's spouse or the ~~family's~~ assistance unit's second parent is not participating in the program, except as provided in Section 42-721.453, both the sanctioned parent and the spouse or second parent shall be removed from the assistance unit.

- .452 The CWD shall notify the spouse of the noncomplying participant or second parent in writing at the commencement of the compliance procedures of his or her own opportunity to participate and the impact on sanctions of that participation.
- .453 For purposes of this section, if a spouse or second parent is participating to avoid the sanction of the noncomplying parent, the exemption criteria for care of an ill or incapacitated member of the household and the care of a child under six months of age (or age determined by the CWD) do not apply. Any other exemption or good cause criteria, as described in Sections 42-712 and 42-713 and compliance procedures described in Section 42-721, shall apply to the sanctioned parent's spouse or the family's second parent.
- .454 A spouse or second parent who chooses to participate to avoid the noncomplying parent's sanction, and subsequently ceases participation without good cause and fails or refuses to agree to or fulfill the terms of a compliance plan without good cause, shall be removed from the assistance unit for a period of time specified in Section 42-721.43.
- .455 If the sanctioned parent's spouse or the second parent is under his or her own sanction at the time of the first parent's sanction, the spouse or second parent shall not be provided the opportunity to avoid the first parent's sanction until the spouse or second parent's sanction is completed.
- .46 For families that qualify due to the absence or incapacity of a parent, only the noncomplying parent shall be removed from the assistance unit, and aid shall be continued to the remainder of the family.
- .461 The CWD shall arrange for a protective payee in accordance with Section 44-309.
- .47 If the noncomplying individual is ~~the only~~ a dependent child ~~or one of several dependent children in the family~~, his or her needs shall not be taken into account in determining the family's need for assistance and the amount of the assistance payment.

.48 The CWD shall restore aid:

.481 Upon expiration of the sanction period if the individual applies for aid, is determined to be in compliance with program requirements, and is otherwise eligible; or

.482 If the sanction is rescinded as a result of the outcome of a state hearing or the formal grievance procedure established in accordance with Section 42-721.5.

.5 State Hearing and Formal Grievance

.51 Except as specified in Section 42-721.512(b), .512(c), or .512(d), when a participant believes that any program requirement or assignment is in violation of, or inconsistent with, state law and regulations governing the Welfare-to-Work Program, the CWD shall inform him/her of the right either to request a state hearing or to file a formal grievance based on the procedures established by the county board of supervisors.

.511 State Hearing

(a) The CWD shall inform the individual of his/her right to file an appeal through the state hearing process as an alternative to the formal grievance procedures.

(b) Procedures for a state hearing are specified in MPP Division 22.

(c) With the exception of welfare-to-work supportive services (see Section 42-750.213), aid will continue if the individual appeals through the state hearing process within the period of timely notification (see Section 42- 721.441).

(d) If a welfare-to-work participant or other affected party is dissatisfied with a state hearing decision involving on-the-job working conditions or workers compensation coverage, the party may appeal the decision to the ~~United States Department of Labor~~ appropriate state regulating agency.

(1) A copy of the written decision shall be issued to all affected parties and shall identify the right to ~~federal~~ appeal. The decision shall also provide the address and instructions for filing an appeal.

- (A) The instructions shall include the requirement that the appeal be filed within 20 calendar days following receipt of the written decision.
- (e) The participant shall be permitted to request a state hearing to appeal the outcome of a formal grievance.

.512 Formal Grievance Procedures

- (a) The procedures for a formal grievance established by the county board of supervisors and the duration of these procedures shall be specified in the county plan.
- (b) The sole issue for resolution through a formal grievance shall be whether a program requirement or assignment is in violation of the welfare-to-work plan or inconsistent with ~~the program~~ Chapter 42-700.
- (c) The participant shall not be permitted to use the formal grievance to appeal the outcome of a state hearing, ~~the requirement to sign a contract welfare-to-work plan,~~ or the results of an assessment made according to Section 42-711.55.
 - ~~(1) Nothing in Section 42-721.512(c) shall be construed to exclude applicants or recipients who fail to sign a welfare-to-work plan from the compliance process specified in Section 42-721.2.~~
- (d) The formal grievance shall not be available to a noncomplying individual who has already failed to successfully conciliate in accordance with Section 42-721.2. Under those circumstances, the applicant or recipient may request a state hearing to appeal a program requirement or assignment.
- (e) The individual shall be subject to sanction pending the outcome of the formal grievance or any subsequent appeal only if he/she fails to participate during the period the grievance procedure is being processed.
 - (1) This information shall be provided to an individual when he or she requests information about the procedure for filing a formal grievance.

- .513 The CWD shall address any complaints of discrimination based on race, color, national origin, religion, political affiliation, marital status, sex, age, or handicap which may arise through an applicant's/recipient's participation in Welfare-to-Work in accordance with the provisions of MPP Division 21 - Nondiscrimination in State and Federally Assisted Programs.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11320, 11320.31, 11324.8(d), 11327.4, 11327.5(a) through (e), 11327.6, 11327.8; 11327.9; 11328.2; 11333.7, and 11454, Welfare and Institutions Code.

Amend Sections 42-750.11 et seq., .2 et seq., and .414 to read:

42-750 SUPPORTIVE SERVICES

42-750

.1 Supportive Services

.11 Necessary supportive services shall be available to every participant in order to participate in the program activity to which he or she is assigned or to accept or retain employment. If necessary supportive services are not available, the individual shall have good cause for not participating under Section 42-713.21. ~~As provided in the welfare-to-work plan entered into between the CWD and participant, s~~Supportive services shall include all of the following:

.111 Child care as described in Chapter 47-100.

.112 Transportation. ~~Regional market rates shall be determined as follows~~
Transportation costs shall be governed by regional market rates as determined below:

- (a) The least costly form of public transportation, including CWD provided transportation, that would not preclude participation in welfare-to-work activities pursuant to Section 42-721.313.
- (b) If there is no public transportation available which meets these requirements, participants may use their own vehicles. Participants shall be reimbursed at one of the following rates:
 - (1) The county shall select an existing reimbursement rate used in the county, or
 - (2) The county shall develop a rate that covers necessary costs.
 - (3) The reimbursement rate may not include a "cap," or maximum monthly reimbursement amount, beyond which additional miles driven are not reimbursed.
- (c) Parking for welfare-to-work participants shall be reimbursed at actual cost. Participants shall submit receipts for this purpose, except in cases where parking meters are used.
- (d) Participants who choose to use their own vehicles when public transportation is available will be reimbursed at the least expensive reimbursement rate of available transportation pursuant to Sections 42-750.112(a) and (b).

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- ~~.113 Ancillary expenses shall include the cost of books, tools, clothing specifically required for the job, fees, and other necessary costs.~~
- ~~.114 A participant who has personal or family problems that would affect the outcome of the welfare-to-work plan entered into based on welfare-to-work activities shall, to the extent available, receive necessary counseling or therapy to help him or her and his or her family adjust to his or her job or training assignment.~~

HANDBOOK ENDS HERE

- .113 Ancillary expenses shall include the cost of books, tools, clothing specifically required for the job, fees, and other necessary costs.
- (a) Tuition (and school fees in the nature of tuition) are not ancillary expenses. The county is not obligated to pay these costs when a person or entity, other than the county or county authorized entity, contracts for the training.
- .114 A participant who has personal or family problems that would affect the outcome of the welfare-to-work plan shall, to the extent available, receive necessary counseling or therapy to help him or her and his or her family adjust to his or her job or other assignment.
- (a) "To the extent available" means these services are available at no cost to the recipient or the county develops a written policy authorizing payment for personal counseling.

.2 Supportive Services Payments

- .21 Payments for supportive services, except child care as described in Chapter 47-100, will shall be advanced to the participant when necessary and desired by the participant so that the participant need not use personal funds to pay for these services.
- .211 Notwithstanding any other provision of welfare-to-work activities Chapter 42-700, any participant in on-the-job training who becomes ineligible for CalWORKs due to earned income, hours worked, or loss of income disregards, will shall remain a participant in the program under welfare-to-work activities for the duration of the on-the-job training assignment. The participant will shall be eligible for supportive services for the duration of the on-the-job training, provided this duration does not exceed the time limits otherwise applicable to the recipient.
- .212 Notwithstanding any other provision of welfare-to-work activities Chapter 42-700, any participant in on-the-job training, grant-based on-the-job training, supported work, or transitional employment who remains eligible for aid will

shall be eligible for transportation and ancillary expenses as specified in this section.

- .213 When a participant requests a hearing within the period of timely notification (see Section 22-0272.5) to appeal a suspension, reduction, or termination of CalWORKs welfare-to-work supportive services or a change in the method of providing such services, the participant shall not be entitled to a continuation of CalWORKs welfare-to-work supportive services in the same amount or form pending the hearing decision. The participant shall be entitled to supportive services only at the level and in the form authorized by the county action under appeal.

.3 Coordination of Supportive Services and Financial Aid

- .31 The CWD shall encourage participants to apply for financial aid, including educational grants, scholarships, and awards.

- .32 Reimbursement for SIPs (see Section 42-711.54) shall be provided if no other source of funding for those costs is available. Any offset to supportive services payments will be made in accordance with financial aid provisions as specified in Section 42-750.33.

.33 Treatment of Financial Aid

- .331 The CWD shall consider the availability of financial aid received by the participant in the form of educational grants, scholarships and awards when determining the need for welfare-to-work supportive services payments.
- .332 The CWD shall not deny or reduce welfare-to-work supportive services if the participant indicates that the financial aid is not available to meet supportive services needs.
- .333 The CWD shall document all determinations regarding consideration of a participant's educational grants, scholarships and awards in the case file.
- .334 The CWD shall attempt to enter into written agreements with the financial aid office at appropriate educational institutions providing welfare-to-work services in order to avoid duplication of supportive services payments to welfare-to-work participants.

.335 Any agreement between the CWD and the institution shall include, but not be limited to the following:

- (a) A description of the supportive services to be provided by each party.
- (b) A provision for amendment and modification as necessary.
- (c) A provision that supportive services needs will be evaluated on a case-by-case basis.

.34 Educational loans or work study program awards shall be excluded from consideration when determining supportive services needs.

.4 Notice Requirements for Transportation and Ancillary Support Services

.41 Participants shall be notified of specific arrangements for authorized transportation and ancillary supportive services through an appropriate Notice of Action (NOA) which shall be issued pursuant to the procedures specified in MPP Division 22.

.411 NOAs shall be issued to CalWORKs participants for the following types of supportive services actions and changes:

- (a) Approval of supportive services and the level and method of payment;
 - (1) The CWD shall inform participants who receive an advance payment that the unused portion of the advance will be collected as specified in Section 42-751.
 - (2) The CWD shall inform participants who receive advance payments that receipt of subsequent advance payments is contingent upon CWD receipt of proof of costs incurred no later than the 10th day of the month following the month for which the advance payment was made.
- (b) Denial of requests by CalWORKs participants for CalWORKs supportive services arrangements or payments;
- (c) Changes to existing supportive services payments and arrangements;
- (d) Collection of supportive services overpayments from CalWORKs participants pursuant to Section 42-751;
- (e) Termination of supportive services arrangements or payments.

.414 NOAs are not required for the following types of supportive services actions:

- (a) Approval of supportive services for one-time, short-term activities.

Short-term activities include orientation/appraisal and school field trips. If the amount requested is not approved, a NOA is required.

- (b) Approval of payments which are equal to the amount claimed by the CalWORKs participant or the service provider.

- .42 The CWD shall inform participants of the requirement to provide prior notification to the CWD of changes in transportation and ancillary supportive services arrangements at least ten calendar days before an anticipated change, except in emergency or exceptional situations.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11320, 11320.3(f)(1), 11320.31(c), 11323.2, 11323.4, and 11325.23(d), Welfare and Institutions Code.

Amend Section 42-751 to read:

42-751 UNDERPAYMENTS AND OVERPAYMENTS FOR 42-751
TRANSPORTATION AND ANCILLARY SUPPORT SERVICES

.1 General Criteria

- .11 The CWD shall take all reasonable steps necessary to promptly correct any overpayment or underpayment of transportation and ancillary supportive services payments to a recipient or a service provider including, but not limited to, all cases involving fraud and abuse, consistent with these regulations.

.2 Overpayment Identification

- .21 When the county has determined that an overpayment exists, the county shall calculate the amount of the overpayment and determine the appropriate method of recovery.

- .22 Counties shall be allowed to use recovery methods as specified in Section 42-751.4(e) concurrently.

- .221 The methods that result in the maximum recovery without interfering with program participation shall be used.

.23 Adjustment Amounts

- .231 When an underpayment or denial of supportive services occurs and as a result the applicant or recipient does not receive the amount to which he or she should have received, the CWD shall pay the applicant/recipient the balance or provide supportive services equal to the full amount of the underpayment.

.34 Collection of Overpayments

- (a) If the individual is no longer receiving aid under CalWORKs, recovery of overpayments will not be attempted where the outstanding overpayments are less than thirty-five dollars (\$35). Reasonable cost-effective efforts at collection shall be implemented where the overpayment amounts owed are thirty-five dollars (\$35) or more.
- (b) If the overpayment is the result of fraud, the CWD shall attempt to recover the overpayment regardless of the amount.

(c) Initial Recovery Procedures and Establishing Repayment Agreements

(1) The county shall initiate recovery within 30 calendar days of the date the overpayment is first discovered by notifying the individual in writing that he/she has an overpayment and that he/she must contact the county within ten calendar days of the date the notice is mailed to arrange repayment.

(A) If the participant does not respond to the overpayment notice within ten calendar days of the date the initial notice is mailed or the participant does respond to the initial notice, but fails or refuses to enter into a repayment agreement, the county shall use the payment adjustment method of recovery as specified in Section 42-751.4(g) unless:

1. The county determines that the deferred repayment provisions of Section 42-751.4(d) apply.

(B) The overpayment notice shall include:

1. The name of the overpaid person;

2. The amount owed;

3. The reason for the claim;

4. The period of time that the claim covers;

5. A statement regarding the right of the participant to a State hearing if the participant disagrees with any aspect of the claim;

6. The reasons repayment may be deferred as specified in Section 42-751.4(d);

7. A statement that recovery will occur as specified in Section 42-751.4(c)(1)(A) if the individual fails to respond within ten calendar days.

(C) The county shall attempt to obtain a signed repayment agreement from the overpaid individual subject to the recovery methods specified in Section 42-751.4(e) and provide a copy of the agreement to the overpaid individual.

(~~ed~~) Overpayment Collection Deferrals

- (1) The collection and recovery of any overpayment shall be deferred if it is not cost effective to pursue the collection. The CWD shall defer collection and recovery of any overpayment if the collection would result in disruption of child care arrangements, preclude participation in welfare-to-work activities, or prevent employment.
- (2) The CWD shall: (1) notify the participant of the deferral and when a decision to defer overpayment collection is made; (2) reevaluate the need for deferring repayment when necessary; (3) document the expected ending date of the deferred repayment status.

(~~de~~) Reasonable efforts shall include written notification of the amount of the overpayment and that repayment is required. The following are reasonable cost-effective collection methods:

- (1) Balancing.

When an individual has both an overpayment and an underpayment, the CWD may offset one against the other, subject to the provisions in Section 42-751.324(~~fg~~).

- (2) Voluntary Cash Recovery.

The CWD shall accept any voluntary cash payment from an individual to pay any portion of an existing overpayment.

- (3) Grant Adjustment.

The individual shall be permitted to have supportive services overpayments adjusted from the CalWORKs grant when the individual is receiving CalWORKs, provided:

- (A) The individual chooses this method of recovery; and
- (B) The individual agrees with the amount of the CalWORKs grant adjustment.

(~~ef~~) Individuals shall be allowed to revoke a repayment agreement incorporating grant adjustment at any time and enter into a new repayment agreement with the CWD.

(fg) Supportive Services Payment Adjustment

(1) The following payment adjustment provisions shall be applicable only to current welfare-to-work participants:

(A) The maximum recovery from the current payment(s) shall be as follows:

1. Ten percent of the total payment, for recipient-caused overpayments, unless the individual volunteers to pay a higher percentage.
2. Five percent of the total payment for overpayments resulting from administrative error, unless the individual volunteers to pay a higher percentage.

(B) When recovery is made in full from a subsequent supportive services payment, the participant shall be informed in writing.

(C) When the current payment adjustment is not enough to recover the entire overpayment or no claim is received in a given month, then the remaining amount of the overpayment shall be applied to succeeding month(s), and the adjustment process shall be repeated as specified above.

(D) When any adjustment is made, the CWD shall notify the participant in writing.

(E) When no subsequent payment(s) are available for an adjustment to be made, because the individual becomes exempt and does not volunteer to participate or loses eligibility for CalWORKs the CWD shall attempt to establish or obtain a new repayment agreement.

(F) The CWD shall notify the participant in writing when a reduction is made to adjust current supportive services.

(gh) If the individual responsible for the overpayment to the assistance unit is no longer eligible for CalWORKs, or if he or she becomes a member of another assistance unit:

(1) Recoupment of overpayments will be made against the individual or his or her present assistance unit, or both.

- (hi) Where an overpayment has been made to an assistance unit which is no longer receiving CalWORKs, recovery will be made by appropriate action under state law against the income or resources of the individual responsible for the overpayment or against the members of the former assistance unit.
- (ij) Recovery of Overpayments.
 - (1) Any suits to recover overpayments from CalWORKs applicants, recipients and payees will be brought on behalf of the county by the county counsel unless the board of supervisors delegates such duty to the district attorney by ordinance or resolution.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10063, 11004(g), (h), (i), (k), and (l), and 11323.4(b), Welfare and Institutions Code.

Amend Handbook Section 42-780.12 to read:

42-780 COUNTY PLANS FOR CalWORKs

42-780

- .1 Each county shall have a plan which describes how the county intends to deliver the full range of activities and services necessary to move CalWORKs recipients from welfare to work.

HANDBOOK BEGINS HERE

- .11 A suggested format was provided to the counties in an All-County Letter (ACL) 97-54 dated September 10, 1997.
- .12 Required contents of the county plans are listed in Welfare and Institutions Code Sections 10530, 10531, 10542(a), 11321.6, 11322.7, 11322.9(d), 11323.2(b), 11325.7(b), 11325.8(a), 11327.8(a), ~~11495.15~~, and 13280.

HANDBOOK ENDS HERE

- .2 The county plan shall describe the county's plans to participate in the job creation program established by Government Code Section 15365.50 et seq. as added by AB 1542.
- .3 The county plan shall describe discussions between the county and any federally recognized Indian tribe in the county regarding whether the tribe intends to operate a tribal TANF program, county expenditures on recipients, and equitable access to assistance.
- .4 The county plan shall describe the criteria specified at Sections 42-712.471(b)(1) and .472(a)(1) for reducing or extending the exemptions for care providers of infants.
- .5 The County Welfare Director and County Board of Supervisors shall approve the plan, and any significant revisions or addenda thereto, and certify that the county will operate the CalWORKs Program described therein.
 - .51 All revisions/addenda, no matter how minor, shall be submitted to the Department, as they occur.
 - .52 A letter identifying the sections of the county plan being revised shall accompany the revisions/addenda.
 - .53 A county may implement revisions/addenda when they are submitted to the Department.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10530, 10531, 10532(b)(1), 10542, 10553.2(d), 11321.6, 11322.7, 11322.9, 11323.2, 11325.7, 11325.8, 11327.8, 11329.4, ~~11495.15~~, and 13280, Welfare and Institutions Code; and 42 U.S.C. 602(a)(5) and 612.

CHAPTER 42-800 WELFARE-TO-WORK REQUIREMENTS FOR REFUGEE CASH
ASSISTANCE (RCA) PARTICIPANTS

42-800 WELFARE-TO-WORK REQUIREMENTS FOR 42-800
RCA PARTICIPANTS: INTRODUCTION

- .1 RCA eligibles who are residing in areas in which the county plan provides for their participation in the Welfare-to-Work Program shall be required, as a condition of eligibility, to participate in welfare-to-work activities.
- .2 All Chapter 42-700 regulations shall apply for purposes of Refugee Cash Assistance welfare-to-work participants, unless superseded by regulations contained in Sections 42-800 through 42-811.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320, and 11321.6(b) and (d), Welfare and Institutions Code.

42-801 WELFARE-TO-WORK PARTICIPATION
FOR RCA PARTICIPANTS

42-801

- .1 The RCA eligible who meets the criteria in Sections 69-206.11 and 42-800.1 and who is not exempt under Section 69-208.4, shall participate, as a condition of eligibility.
- .2 If the individual fails or refuses to participate, the procedures in Sections 69-209 and 69-210 shall apply.
- .3 The CWD shall follow the procedures in Section 42-711 except that RCA welfare-to-work participants are not eligible for supportive services unless funded through sources other than CalWORKs.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320, and 11321.6(b) and (c), Welfare and Institutions Code.

42-802 JOB, TRAINING, AND EDUCATION FOR RCA
WELFARE-TO-WORK PARTICIPANTS

42-802

.1 Education Services

- .11 RCA welfare-to-work participants may participate in college and community college educational programs provided it does not constitute full-time attendance as defined in Section 69-206.5 or is exempt under Section 69-206.52 or .53.

.2 Work experience as described in Section 42-716.111(d).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320, and 11321.6(b) and (d), Welfare and Institutions Code; and 45 CFR 400.203.

42-803 BASIC PARTICIPANT WELFARE-TO-WORK PLAN
 REQUIREMENTS FOR RCA WELFARE-TO-WORK
 PARTICIPANTS

42-803

.1 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320 and 11321.6, Welfare and Institutions Code.

42-804 DEVELOPMENT OF A WELFARE-TO-WORK
PLAN FOR RCA PARTICIPANTS

42-804

- .1 All RCA welfare-to-work participants shall cooperate with the CWD, or agency contracting with the CWD, to develop a mutually agreed upon welfare-to-work plan according to the requirements of Section 69-208.1.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320 and 11321.6, Welfare and Institutions Code; and 45 CFR 400.79.

42-805 JOB SEARCH FOR RCA WELFARE-TO-WORK
 PARTICIPANTS

42-805

.1 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320 and 11321.6, Welfare and Institutions Code; and 45 CFR 400.79.

- .1 The CWD shall maintain separate accounting records of expenditures for RCA welfare-to-work participants.
- .2 The CWD shall fund RCA welfare-to-work services with the CWD's federal social services and targeted assistance allocation.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320, and 11321.6(c) and (d), Welfare and Institutions Code.

42-807 CAUSE DETERMINATIONS AND COMPLIANCE
FOR RCA WELFARE-TO-WORK PARTICIPANTS

42-807

- .1 Cause determination and compliance requirements in Sections 42-721.1 and .2 shall apply.
Section 42-721.4 shall not apply to RCA welfare-to-work participants.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11320, and 11321.6, Welfare and Institutions Code.

42-808 GOOD CAUSE CRITERIA FOR RCA
 WELFARE-TO-WORK PARTICIPANTS

42-808

- .1 All good cause criteria specified in Section 69-209.4 shall apply. Good cause criteria specified in Section 42-721.3 shall also apply.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11320, and 11321.6, Welfare and Institutions Code.

Repeal Section 42-809:

~~42-809 METHOD OF DETERMINING NET LOSS OF INCOME 42-809~~

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320 and 11321.6, Welfare and Institutions Code.

42-809 COMPLIANCE FOR RCA
WELFARE-TO-WORK PARTICIPANTS

42-809

- .1 For compliance procedures, refer to Section 42-721.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320, 11320.31, and 11321.6, Welfare and Institutions Code.

Amend Section 42-810.1 to read:

42-810 FINANCIAL SANCTIONS FOR RCA
 WELFARE-TO-WORK PARTICIPANTS

42-810

- .1 If the nonexempt RCA welfare-to-work participant has refused or failed, without good cause, to meet or comply with the requirements of Sections 69-208.1 through 69-208.3 and Sections 42-721.~~21~~ through ~~.21~~423, and the compliance efforts in Sections 42-721.~~423~~ ~~and through~~ .29 have failed, the CWD shall discontinue benefits in accordance with Section 69-210.2.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11320, 11327.4, 11327.5, and 11321.6, Welfare and Institutions Code.

42-811 STATE HEARINGS FOR RCA WELFARE-TO-WORK
 PARTICIPANTS

42-811

- .1 State hearing and formal grievance procedures in Section 42-721.5 shall not apply to RCA welfare-to-work participants. For state hearing procedures, refer to Section 69-221.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320 and 11321.6, Welfare and Institutions Code.

Chapter 42-1000 WELFARE-TO-WORK SUPPLEMENTAL REFUGEE SERVICES (SRS)
 COMPONENT

42-1001 BACKGROUND

42-1001

AB 3254, Chapter 379, Statutes of 1990, established the GAIN SRS Component. Counties may elect to maintain the SRS Component within the CalWORKs Welfare-to-Work Program for Welfare-to-Work-eligible CalWORKs refugees who would otherwise be temporarily excepted from Welfare-to-Work services. These services shall complement regular Welfare-to-Work services to prepare the refugee for self-sufficiency.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10063, 11320, and 13280, Welfare and Institutions Code.

42-1002 INTRODUCTION - WELFARE-TO-WORK REQUIREMENTS
FOR SRS PARTICIPANTS

42-1002

All Chapter 42-700 regulations shall apply to Welfare-to-Work SRS participants, unless superseded by regulations contained in Sections 42-1000 through 42-1012.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11320, and 13280, Welfare and Institutions Code.

- .1 That portion of the county's CalWORKs Plan which addresses the implementation of the SRS Component shall be developed with significant participation by and input from public and private agencies/organizations involved in refugee resettlement. The county's planning process shall include representatives from refugee community-based organizations, voluntary agencies, local public/private providers of services to refugees, and refugee community leaders.

HANDBOOK BEGINS HERE

- .2 Counties may use the CalWORKs planning process if that process meets the requirements specified above.

HANDBOOK ENDS HERE

- .3 If the county's CalWORKs planning process does not meet the requirements contained in Section 42-1003.1, the county shall conduct a supplementary planning process.
- .4 That portion of the county's CalWORKs plan which describes the SRS Component shall describe the planning process. This description shall identify the planning participants and discuss how the proposed services reflect the information received during the planning process.
- .5 (Continued)
- .6 Counties shall not be required to use the CalWORKs Welfare-to-Work client flow process. Counties electing not to use the CalWORKs Welfare-to-Work client flow process shall develop and implement county-specific client flow processes which shall be subject to CDSS review and approval.
- .7 Counties shall annually update that section of the county CalWORKs Plan which contains the discussion and description of the SRS Component. The SRS update may be coordinated with the annual update of the county CalWORKs Plan.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320, 13277, 13278, and 13280, Welfare and Institutions Code and Federal Register, Volume 51, No. 166, pages 30546 through 30553 dated Wednesday, August 27, 1986.

42-1005 BASIC LITERACY LEVEL ASSESSMENT FOR SRS
COMPONENT PARTICIPANTS (Continued)

42-1005

- .4 The service needs determination process shall be described in detail in the section of the county CalWORKs Plan which includes the SRS Component.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320 and 13280, Welfare and Institutions Code.

- .1 Counties shall use plans for clients participating in the SRS Component.
- .2 Counties shall be permitted to use the participant's welfare-to-work plan or, subject to CDSS review and approval, develop their own county-specific plans.
- .3 All client plans shall be signed by the participant and the provider agency and shall, at a minimum, contain the following information:
 - .31 The purpose of the plan; (Continued)
 - .36 A detailed description of the types of supportive services generally available to SRS welfare-to-work participants and a statement that supportive services shall be provided to the participant (see Section 42-750).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320, 11322.6, and 13280, Welfare and Institutions Code.

- .1 Except where prohibited by CDSS regulations governing third-party contracts (MPP Chapter 23-600 Purchase of Service and Section 42-718.1), counties electing to implement the SRS Component to provide services for refugee applicants for, and recipients of, CalWORKs shall be permitted to use performance-based contracts to purchase such services.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10063, 10553, 10554, and 13280, Welfare and Institutions Code.

- .1 The SRS Component shall include the following four services and activities.
 - .11 Any educational activity below the postsecondary level that the agency determines to be appropriate to the participant's employment goal. Such activities may be combined with training that the agency determines is needed in relation to the participant's employability plan. The educational activities that shall be made available include, but are not limited to: (Continued)
 - .112 Basic and remedial education that will provide an individual with a basic literacy level in accordance with Section 42-716.2.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11322.6 and 13280, Welfare and Institutions Code.

42-1010 OPTIONAL COMPONENTS FOR SRS PARTICIPANTS

42-1010

- .1 In addition to the mandatory components specified in Section 42-1009, the SRS Component shall include unsubsidized employment, job search, OJT, and at least two of the other activities listed in Section 42-716.11.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11322.7, Welfare and Institutions Code.

42-1011 CRITERIA FOR COMPONENT ASSIGNMENT OF TEENAGE
PARENTS (Continued)

42-1011

HANDBOOK BEGINS HERE

- .2 Counties may use resources (non-CalWORKs) other than refugee funds to cover the costs of these services.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320 and 13280, Welfare and Institutions Code.

42-1012 CASE MANAGEMENT FOR SRS COMPONENT PARTICIPANTS 42-1012
(Continued)

- .2 Eligibility determinations for CalWORKs and all sanctioning activities shall be handled by the CWD staff.
- .3 Counties shall complete a 90-day follow-up for each participant who becomes employed, including those participants who become ineligible for CalWORKs as a result of such employment.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10063 and 13280, Welfare and Institutions Code; Notices of Availability of Federal Fiscal Year 1990 Targeted Assistance Funds (Federal Register/Vol. 55, No. 72/ pages 13974 through 13979 Friday, April 13, 1990; and Federal Register/Vol. 55, No. 151/ pages 32022 through 32024 Monday, August 6, 1990).

Repeal Section 42-711:

~~42-711 DEMONSTRATION PROJECTS~~

~~42-711~~

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11320.3, 11322.8, and 11326(d), Welfare and Institutions Code; and Amendment to the Federal Terms and Conditions for the California Work Pays Demonstration Project approved by the United States Department of Health and Human Services on September 11, 1995.

Repeal Section 42-720:

~~42-720 THE GAIN COUNTY PLAN~~

~~42-720~~

Authority cited: Sections 10553, 10554, 10604, and 11320.6(f), Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11320.6(b), (c), (d), (e), and (f), 11320.8, 11321, 11321.2, 11322(a), 11322.2(b), 11322.4, 11322.8, 11327.8(a), 11329(a), 11330.5(d), 11330.8(c), 11330.9, 11333.5(b), and 13280, Welfare and Institutions Code; 45 CFR 250.1; 45 CFR 250.11; 45 CFR 250.12(c); 45 CFR 250.31(a); 45 CFR 250.44; 45 CFR 250.45; and 45 CFR 250.63(k).

Repeal Section 42-730:

~~42-730 GAIN JOB SEARCH, TRAINING, AND EDUCATION SERVICES 42-730~~

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11320.8, 11321.4, 11322.6, 11322.8(b)(1), (2) and (5), 11323, 11324.2, 11324.4(b), 11324.6, 11325.22(a) and (b), 11326(c) and (d)(2), 11328(a)(10), and 11330.7, Welfare and Institutions Code; Section 33117.5, Education Code; 45 CFR 250.60(c) and (d); 45 CFR 250.62(b)(2); 45 CFR 250.63(c) and (k); and 45 CFR 251.3.

Repeal Section 42-740:

42-740	CONTRACTS/AGREEMENTS FOR GAIN JOB SEARCH, TRAINING AND EDUCATION SERVICES	42-740
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Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11322.8(a), 11324.2, 11324.5, 11324.6, 11324.7, 11328.1(b)(7)(B), 11328.6, Welfare and Institutions Code; AB 312, Chapter 1568, Statutes of 1990; 45 CFR 250.1; 45 CFR 250.61(b) and (c); 45 CFR 250.72(c) and (d); and 45 CFR 251.4.

Repeal Section 42-741:

~~42-741 AGREEMENTS FOR PREP AND AWEX~~

~~42-741~~

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Section 11322.8, 11324.2, 11324.5, 11324.6, 11324.7, 11326(c), 11328(a)(10), and
11328.6, Welfare and Institutions Code.

Repeal Section 42-742:

42-742	CONTRACTS/AGREEMENTS FOR ON-THE-JOB TRAINING (OJT), SUPPORTED WORK, AND TRANSITIONAL EMPLOYMENT FUNDED BY GRANT DIVERSION	42-742
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Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Section 11322.8(g), Welfare and Institutions Code.

Repeal Section 42-750:

~~42-750~~ ~~SUPPORTIVE SERVICES~~

~~42-750~~

Authority cited: Sections 10553, 10554, 10604, and 11320 et. seq., Welfare and Institutions Code.

Reference: Section 8172, Education Code; Sections 10613, 11500(c)(1), 11501.1(a), 11501.5(a), 11209, 11320.6(g)(5), 11323.2, 11323.4, 11323.6, 11323.8, 11324, and 11500(c)(1), Welfare and Institutions Code; 45 CFR 250.21(d)(13), 45 CFR 250.40(a)(2) and (3), 45 CFR 250.48(a)(3), 45 CFR 250.61(e) and (f), 45 CFR 250.73(e), 45 CFR 250.95(b), 45 CFR 255.1(e)(1) and (4), 45 CFR 255.2, 45 CFR 255.4(a)(2)(iii), (c)(2), (f)(2), (I)(1) and (j), 45 CFR Part 256; JOBS-FSA-AT-91-5; and 42 U.S.C., Section 602.

Repeal Section 42-751:

~~42-751 UNDERPAYMENTS AND OVERPAYMENTS OF SUPPORTIVE 42-751~~
~~SERVICES~~

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11323.4(b) and (d)(1), and 11328, Welfare and Institutions Code; 45 CFR 205.10, 255.2(h)(1) and 255.4(j); 54 FR 42234, October 13, 1989; and JOBS-FSA-AT-91-5.

Repeal Section 42-760:

~~42-760~~ ~~GAIN REGISTRATION~~

~~42-760~~

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11320.3, 11320.4(a) and (c)(1), and 11324.8, Welfare and Institutions Code; 45 CFR 250.30(b); 45 CFR 250.31; 45 CFR 250.90; 45 CFR 250.94(a)(2); 45 CFR 250.95(b); and 45 CFR 250.97(f)(7).

Repeal Section 42-761:

~~42-761 GAIN REGISTRANT APPRAISAL~~

~~42-761~~

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11320.3(d), 11323.2(a), 11323.4(e), 11323.6(d)(1), 11325, 11325.2, 11325.21, 11325.22(a) and (b), 11325.23(a), 11325.25, 11330.3, and 11331.5(b), Welfare and Institutions Code; 45 CFR 250.1; 45 CFR 250.41(a) and (b); 45 CFR 250.42(a); 45 CFR 250.48(a) and 45 CFR 255.2(a); and 54 FR 42184, October 13, 1989.

Repeal Section 42-771:

~~42-771~~ ~~GAIN PARTICIPANT CONTRACTS~~

~~42-771~~

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11321.4; 11325(f); 11325.21; 11325.22(a)(1), (a)(2)(B), (b)(6), (c), (g), and (h);
 and 11325.6, Welfare and Institutions Code; 45 CFR 250.41(b); and 45 CFR
 250.42.

Repeal Section 42-772:

~~42-772~~ ~~GAIN PARTICIPATION REQUIREMENTS~~

~~42-772~~

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11320.3(b)(6)(B), (d) and (e), 11325.22, 11325.23, 11325.25, 11325.4(a), 11326(d)(1) and (d)(2), 11330, 11330.1, 11330.2, 11330.4, 11330.5, 11330.6, 11330.8, 11330.10, 11330.11, 11331.5, 11332.7(b) and 11334, Welfare and Institutions Code; and Amendment to the Federal Terms and Conditions for the California Work Pays Demonstration Project (CWPD) as approved by the United States Department of Health and Human Services on September 11, 1995.

Repeal Section 42-773:

~~42-773 ASSESSMENT AND EVALUATION~~

~~42-773~~

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11325.25 and 11325.4, Welfare and Institutions Code; 45 CFR 250.32(a)(3) and 45 CFR 250.41.

Repeal Section 42-774:

~~42-774 REAPPRAISAL~~

~~42-774~~

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11325.21, 11325.22, and 11326, Welfare and Institutions Code;
and Amendment to the Federal Terms and Conditions for the California Work
Pays Demonstration Project approved by the United States Department of
Health and Human Services on September 11, 1995.

Repeal Section 42-775:

~~42-775 GAIN PARTICIPATION REQUIREMENTS FOR AFDC UPARENTS 42-775~~

Authority cited: Sections 10553, 10554, 10604, and 11325.2(c)(9), Welfare and Institutions Code.

Reference: Sections 11322.8, 11325, 11325.22(f) and (h), and 11327.4(a), Welfare and Institutions Code; 45 CFR 250.33; 45 CFR 250.41; 45 CFR 250.60(d); 45 CFR 250.74(c)(1); 42 U.S.C. 603(l)(4)(A) and (B); JOBS-ACF-AT-93-7; and JOBS-ACF-AT-94-3.

Repeal Section 42-781:

~~42-781 CAUSE DETERMINATIONS AND CONCILIATION~~

~~42-781~~

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11327.4, 11327.5(c)(1), 11330.10(c), and 11333.7(b)(2)(A), Welfare and Institutions Code; 45 CFR 250.34(a); and FSA-JOBS-90-3 (Federal Action Transmittal).

Repeal Section 42-782:

~~42-782 GAIN GOOD CAUSE CRITERIA~~

~~42-782~~

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11323.2(a), 11325, 11328, 11328.1, and 11333.7(b)(2)(B), Welfare and Institutions Code; 45 CFR 250.35(d); 45 CFR 251.1; and 45 CFR 255.2(a).

Repeal Section 42-783:

~~42-783 CRITERIA FOR DETERMINING APPROPRIATENESS OF GAIN 42-783~~
~~WORK AND TRAINING~~

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11328, 11328.1, and 11333.7(b)(2)(B), Welfare and Institutions Code; 45 CFR 251.1 and 45 CFR 251.3.

Repeal Section 42-784:

~~42-784 METHOD OF DETERMINING NET LOSS OF INCOME FOR GAIN 42-784~~
~~GOOD CAUSE CRITERIA~~

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Section 11328(k), Welfare and Institutions Code; 45 CFR 250.35(c); and 54 FR 42174.

Repeal Section 42-786:

~~42-786~~ ~~GAIN SANCTIONS~~

~~42-786~~

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11327.4(d), (k), and (l), 11327.5(b), (c) and (d), and 11333.7(b)(1) and (2)(A), Welfare and Institutions Code; 45 CFR 250.30(b)(7); 45 CFR 250.34(c)(2) and (3); 45 CFR 255.2(h)(2); 54 FR 42173, October 13, 1989; and JOBS-ACF-AT-92-5.

Repeal Section 42-791:

~~42-791 EXEMPTION BASED ON ILLNESS OR INJURY (CODE 03) 42-791~~

Repeal Section 42-794:

~~42-794 EXEMPTION BASED ON REMOTENESS (CODE 06)~~

~~42-794~~

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11310(b)(4), Welfare and Institutions Code, AB 312, Chapter 1568, Statutes of 1990.

Repeal Section 42-798:

~~42-798 EXEMPTION BASED ON WORKING 30 HOURS PER WEEK (CODE 10) 42-798~~

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11320.3(b)(8), Welfare and Institutions Code.

Repeal Section 42-799:

~~42-799 EXEMPTION BASED ON VISTA PROGRAM PARTICIPATION 42-799~~
~~(CODE 11)~~

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11310(b)(9), Welfare and Institutions Code, AB 312, Chapter 1568, Statutes of 1990; and 45 CFR 250.30(b)(10), (c)(1).